DON-NAVY-2019-011305 Request Details

Case Phase: Evaluation Case Status: Initial Evaluation Due Date: N/A Clock Days: 0 (Never Started)

Requester Information

Requester Mr. Ross Garcia

Organization

Requester Has Account No

Email Address mdvgarcia@gmail.com

Phone Number 8502174062

Fax Number

Address
City
Provided

State/Province AK
Zip Code/Postal Code 01234

Tracking Number DON-NAVY-2019-011305

 Submitted Date
 09/16/2019

 Received Date
 09/16/2019

Perfected Date

Last Assigned Date 09/16/2019

Assigned ToNaval Criminal Investigative Service

Last Assigned By

Request Track Simple Fee Limit \$25.00

Request Handling

Description

378/2000

I'm respectfully requesting release of all information pertaining to the Inspector General's investigation into the death of Navy First Class Petty Officer, Navy Diver James Reyher, and Navy Second Class Petty Officer, Navy Diver Ryan Harris. Both these Navy Divers were stationed at Mobile Diving and Salvage Unit Two. The Mishap occurred in Aberdeen, Maryland Proving Grounds.

Has Description Been Modified

Description Available to the Public

No ▼

Short Description

Additional Information

Appellate Authority		
Select Appellate Authority	•	
Case #		
Name of Local Command		
Contract/Sol.#		
Limit Request To Clearly Releasable Info		
Select Limit Request To Clearly Releasable Info	▼	
Attached Supporting Files		
Upload Supporting Files		

REPORT AND DISPOSITION OF OFFENSE(S) NAVPERS 1626/7 EXPLOSIVE ORDNANCE DESPOSAL GROUP TWO Date of Report. 1 - Aug - 13 To Commander SOCIAL SECURITY NO RATEGRADE DIVIDERT BR & CLASS NAME OF ACCUSED SERIIAL NO Co 2-3 N/A CWO3 USN/11 XXX - XX - (b) OIC DATE OF OFFENSEIS At or near Aberdeen Proving Grounds, : Aberdeen, Maryland On or about 26 February 2013 DETAILS OF OFFENSE(S) (Refer by Article of UCM) if known. If unauthorized absence, give following info-time and date of commencement, whether over feave of liberty time and date of apprehension or surrender and arrival on board loss of ID card and/or liberty card, etc.) Charge I: Violation of UCMU Art 92 - Dereliction of Duty Specification 1: In that Chief Warrant Officer Three (b) (6) Navy, Mobile Diving and Salvage Unit TWO, Joint Expeditionary Base Little Creek - Fort Story, Virginia Beach, VA, who should have known of his duties as Officer-in-Charge of Company 2-3 at or near Aberdeen Proving Grounds. Aberdeen, Maryland, on or about 26 February 2013, was derelict in the performance of those duties in that he negligently failed to assess the Soperational necessity of diving below 130 feet sea water during a Final

SEE CONTINUATION SHEET

Evaluation Problem, as it was his duty to do.

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NAVPERS 1626/7 (Rev. 12-88)

S/N 0106-LF-005-2700

EXHIBIT (74)

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rom Commanding Officer				Date		
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See attached Preliminary Investig		•				
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COMMENT (include data regarding availability of will willnesses) documentary	thesses summary of exp	ected evidence cor record entres in U	illicts in evidence if exp (A cases, dems of real is	ected. Attach statements of vidence etc.)		
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CONTINUATION OF CHARGES ICO CWO3 (b) (6) (b) (6) USN, XXX-XX-(b) (6)

Specification 2: In that Chief Warrant Officer Three (b) (6) U.S. Navy, Mobile Diving and Salvage Unit TWO, Joint Expeditionary Base Little Creek - Fort Story, Virginia Beach, VA, who should have known of his duties as the Watch Station Diving Officer at or near Aberdeen Proving Grounds, Aberdeen, Maryland, on or about 26 February 2013, was derelict in the performance of those duties, in that he negligently failed to ensure proper procedures and precautions IAW U.S. Navy Diving Manual were strictly adhered to, as it was his duty to do.

Charge II: Violation of UCMJ Article 133, Conduct Unbecoming an Officer and a Gentleman

Specifications In that Chief Warrant Officer Three (b) (6) U.S. Navy, Mobile Diving and Salvage Unit TWO, Joint Expeditionary Base Little Creek - Fort Story, Virginia Beach, VA, did, on or about 26 February 2013, at or near Aberdeen Proving Grounds, Aberdeen, Maryland, as the Officer-in-Charge of Company 2-3, fail to ensure strict compliance to procedures and precautions IAW U.S. Navy Diving Manual, which acts constituted conduct unbecoming an officer and gentlemen.

AND NO OTHERS

NORFOLK, VIRGINIA 23511-2939

5813

21 Jan 14

From: Trial Counsel, Region Legal Service Office Mid-Atlantic

To: Commander, Explosive Ordnance Disposal Group TWO

Subj: CORRECTED REPORT OF RESULTS OF TRIAL ICO U.S. V. NDCS 1(b) (6) (b) (6) USN

- 1. Pursuant to R.C.M. 1101(a) and 1304(b)(2)(f)(v), Manual for Courts-Martial, 2012 Edition, notification is hereby given in the case of NDCS (b)(6)(b
- 2. Offenses, pleas, and findings:

Charge and specification	Pleas	<u>Findings</u>
Charge I: V/UCMJ Art. 92	NG	G
Specification:		
DIBRS UCMJ Conversion Codé: Article 92-A7CP	•	
Derelict in the performance of duties	1	
on or about 26 Feb 13	NG	G
Donatin Manufacture and Electrical Control		*

- 3. Forum: Members with enlisted representation.
- 4. Sentence adjudged: To be reduced to the pay grade of E-7.
- 5. Date sentence adjudged: 18 January 2014. Adjudged reduction in grade to the pay grade of E-7, and automatic forfeitures, if any, become effective 1 February 2014 (14 days after sentence was announced) unless indicated otherwise in paragraph 8, below, or unless written notice of deferment by the Convening Authority is received by authorities with responsibility for the accused's service and pay records. Absent pertinent direction to the contrary in paragraph 8, below, or such written notice of adjudged and automatic sentence, when applicable, must occur by the second date in this paragraph. Trial counsel must be provided the originals of such written approved deferments for inclusion in the record of trial.
- 6. Automatic forfeitures apply: Yes No X See paragraph 8, below for the specific sentence to be given effect in this case, consistent with paragraph 5, above.

	AL ICO U.S. V. NDCS (b) (6)(b) (6)
USN	
<pre>a. General court-martial allowance while confine;)</pre>	(forfeiture of all pay and
allowance willie conline;)	
b. Special court-martial	X (2/3 pay while confined.)
7. Credits to be applied to con	nfinement, if any:
a. Pretrial confinement:	0. days
b. Judicially-ordered cre	dits: 0 days
c. Total credits: <u>0</u> da	ys.
8. Terms of Pre-Trial Agreemen any, (Yes/No response only):	t (PTA) affecting sentence, if
MJ alone: No.	Confinement limitation: No.
Non-capital referral: No.	Forfeiture limitation: No.
Restitution: No.	Reduction in grade limitation: No.
Referral to lower forum: No.	Allotment to family: No.
Cooperation: No.	Allot to victim: No.
Deferment to confinement: No.	Other: (brief description.) No.
9. Upon completion of the Conv case, sex offender notification \$ 14071: Yes X No	rening Authority's action in this as may be required per 42 U.S.C.

See DODI 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, Enclosure 27, for a list of offenses requiring sex offender notifications.

Subj: REPORT OF RESULTS OF TRIAL ICO U.S. V. NDCS (b) (6) (b) (6)(b) (6)

10. Collection of DNA sample from the accused is required per 10 U.S.C. § 1565, Yes X No. If collection is required, collection may be effected before the Convening Authority acts pursuant to Under Secretary of Defense for Personnel and Readiness memo of 18 April 2005.

(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)

Capt, USMC TRIAL COUNSEL

Copy to:
Convening Authority
PSD/Unit Diary Clerk
Disbursing Office
Record of trial

[1] F. M. Martin, M. W. W. W. W. Martin, Phys. Lett. B 51 (1997) 1997.	INVESTI Under Article	GATING OF 32, UCMJ and	FICER' R.C.M. 40	S REPORT 35, Manual for Courts-Martial)	in in the second		
1a. FROM: (Name of Investigating Officer -	b. GRADE	c. ORGANIZ	ATION		d. DA	TE OF R	EPORT
Last, First, MI)							
(b) (6)(b) (6)	0-6	Commande	r, Naval :	Surface Force Atlantic	16	July 20)13
2a. TO: (Name of Officer who directed the	b. TITLE			c. ORGANIZATION			- 1940 (1940) - 1940 (1940)
investigation - Last, First, MI)	Commander			Navy Expeditionary Combat Comman	a stands		
Tillotson, Michael P.							
3a. NAME OF ACCUSED (Last, First, MI)	b. GRADE	c. SSN		d ORGANIZATION	e. DATE	OF CHAP	RGES
(b) (6) Mob. Diving Salvage Unit TWO 30 APR 13							
17. 计算量系统的连续模型,并是可以表现		appropriate ans				YES	NO
4. IN ACCORDANCE WITH ARTICLE 32, UCMJ I HAVE INVESTIGATED THE CHARGES APP	ENDED HERE	TO (Exhibit 1)	OR COU	RTS-MARTIAL,		×	en aller a en aller aller aller en aller a
5. THE ACCUSED WAS REPRESENTED BY CO	DUNSEL (If not,	see 9 below)			6 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	X	120 S
6. COUNSEL WHO REPRESENTED THE ACCU	SED WAS QUA	ALIFIED UNDE	R.R.C.M.	405(d) (2), 502(d)		X	12 B 1 G
7a, NAME OF DEFENSE COUNSEL (Last, First,)	VII)	b. GRADE	8a. NAM	E OF ASSISTANT DEFENSE COUNSE	L (If any)	b GR	ADE
		CIV				1.00	$\mathbf{T}^{ar{\lambda}}$
c. ORGANIZATION (() appropriate)	**************************************	F. C. Stylens	c: ORG/	ANIZATION (If appropriate)		13.0	4 - 3
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9. (To be signed by accused if accused waives counse a. PLACE	i. IJ accused doe	s not sign, inves	tigating off	icer will explain in detail in Item 21.)	= 1,000		Section 1
Norfolk, Virginia			U. DATE	19-20 June 2013			
HAVE BEEN INFORMED OF MY RIGHT CIVILIAN OR MILITARY COUNSEL OF MY C	TO BE REPRE HOICE IF REA	SENTED IN TH SONABLY AVA	IIS INVES	TIGATION BY COUNSEL, INCLUDING I WAIVE MY RIGHT TO COUNSEL IN 1	MY RIGHT	TO TIGATIC	.MC
c. SIGNATURE OF ACCUSED							
10. AT THE BEGINNING OF THE INVESTIGATION	NINFORMED	THE ACCUS	ED OF: (0	Check appropriate answer)		YES	NO
a: THE CHARGE(S) UNDER INVESTIGATION	7 7 8 7 44 47 5 3 4 7 8 8 7 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8		18.			X	
b. THE IDENTITY OF THE ACCUSER	HANGER EL	it what is over	23 10 24.			X	
C. THE RIGHT AGAINST SELF-INCRIMINATION	UNDER ARTI	CLE 31				X	
d. THE PURPOSE OF THE INVESTIGATION		1				X	1.10
e. THE RIGHT TO BE PRESENT THROUGHOU	TTHE TAKING	OF EVIDENC	E	或者數數數學學學學學學		X	00 - 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,
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h. THE RIGHT TO HAVE AVAILABLE WITNESS THE RIGHT TO PRESENT ANYTHING IN DE	EEVICE EALLY	INCE PRESE	NED			X	
J. THE RIGHT TO MAKE A SWORN OR UNSW	ODN STATEME	NT OBALLY	MILICATI	ZNA ANTARA DA AN	ardi, dali,	X	
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or counsel were absent during any part of the pres b. STATE THE CIRCUMSTANCES AND DESCR	entation of evide	nce, complete b	below.) :			×	
				IN THE ADDENICE OF ACCOSED OR	COUNSEL		
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NOTE: If additional space is required for any item, enter the additional material in item 21 or on a separate sheet. Identify such material with the proper numerical and, if appropriate, lettered heading (Example: "7c"). Securely attach any additional sheets to the form and add a note in the appropriate item of the form: "See additional sheet."

DD Form 457, AUG 84

EDITION OF OCT 69 IS OBSOLETE



2a. THE FOLLOWING WITNESSES TESTIFIED UNDE				
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NAME (Läst First, MD)	GRADE (If any)	ORGANIZATION/ADDRESS (Whichever, is appropriate)	YES	NO.
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b) (6)(b) (6)	NDi	MDSU TWO	×	
) (6)		NCIS	×	
) (6)(b) (6)		NCIS	×	
) (6)(b) (6)	ND3	MDSUTWO	×	
(6)(b)(6) THE SUBSTANCE OF THE TESTIMONY OF THESE	NDI	MDSUTWO	×	
a. THE FOLLOWING STATEMENTS, DOCUMENTS:	OR MATTERS WER	BEEN REDUCED TO WRITING AND IS ATTACHED. E CONSIDERED, THE ACCUSED WAS PERMITTED TO	X	13400
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DESCRIPTION OF ITEM EE ATTACHED		LOCATION OF ORIGINAL (If not attached)		in in
	是"" 第二次,"是"			
EACH ITEM CONSIDERED, OR A COPY OR RECIT.	AL OF THE SUBSTA	NCE OR NATURE THEREOF, IS ATTACHED	X	
COMPLETE IN THE DEFENSE	(See R.C.M. 909, 91)	MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT		X
THE DEFENSE DID REQUEST OBJECTIONS TO B ALL ESSENTIAL WITNESSES WILL BE AVAILABLE	IN THE EVENT OF	TRIAL	×	X
THE CHARGES AND SPECIFICATIONS ARE IN PR	OPER FORM		X	
REASONABLE GROUNDS EXIST TO BELIEVE THA	AT THE ACCUSED O	COMMITTED THE OFFENSE(S) ALLEGED	gar Sing. gar i San	X
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Block 12a. (Continued)

<u>Name</u>	<u>Grade</u>	<u>Organization</u>
(b) (6)(b) (6)	ND3	MDSU TWO
(b) (6)	NDCS	MDSU TWO
(b) (6)	NDC	MDSU TWO
(b) (6)(b) (6)(b) (6)	NDCM	COMEODGRU TWO
(b) (6)(b) (6)	NDC	MDSU TWO
(b) (6)(b) (6)	CDR	MDSU TWO
(b) (6)		Aberdeen Proving Ground
(b) (6) (b) (6)		NEDU
(b) (6)(b) (6)	ND1	MDSU TWO
(b) (6) (b) (6)	CWO3	MDSU TWO

Block 13a. Continued

Exhibits

- 1. Charge Sheet
- 2. Convening Order
- 3. Continuance approval
- 4. NCIS ROI 10 Apr 13
- 5. NCIS ROI 30 Apr 13
- 6. NCIS ROI 20 May 13
- 7. Training Scenario Exercise Package
- 8. Exercise FRAGO
- 9. APG Superpond Diagrams
- 10. Scene Photographs
- 11:-NDGS (b) Statements
- 12. CWO3 (b) Statements
- 13. CWO3(b) (6) statement
- 14. (b) (6) Statement
- 15: NDC(b) (6) statement
- 16. NDC (b) (6) statement
- 17. ND1 Almazan statement

- 18. ND1 (b) (6) statement
- 19. ND3 (b) (6) statement
- 20. ND1 (b) statement
- 21. (b) (6) statement
- 22. HM1 (b) statement
- 23. HMCS (b) (6) statement
- 24. Pre-dive checklist
- 25. Smooth log
- 26. Depth v. temperature graphs
- 27. Results of Remotely Operated Vehicle Test
- 28. Remotely Operated Vehicle photos
- 29. Number of Dives for EODGRU 2 and MDSU 2
- 30. RPH Autopsy Report
- 31. JER Autopsy Report
- 32. Navy Experimental Diving Unit Accident Investigation
- 33. U.S. Navy Dive Manual, Chapters 6 and 7
- 34. U.S. Navy Dive Manual No-Decompression Limits Table
- 35. MDSU 2 Dive Bill
- 36. Timeline
- 37. NCIS Documents
- 38. Final Summary Report: Unmanned Evaluation of SCUBA Regulators
- 39. Assorted documents Re: "Operational Necessity
- 40. ND3 (b) (6) statement
- 41. Diving Advisory
- 42. COMNECC MSG dated 061735Z Mar 13
- 43. OPNAVINST 3750.6R 8 Apr 09
- 44. CTF 20 message dated 261030L FEB 13
- 45. EOD Force NMET Grade Sheet
- 46. U.S Navy Dive Manual (excerpt)
- 47. OPNAVINST 3501.133E (undated)
- 48. Timeline
- 49. Technical Manual TX-50 Regulator
- 50. Seaguest Service and Repair Manual
- 51. NEDU letter of 29 Mar 13
- 52. Statement of CDR (b) (6)
- 53. Sequest Repair Manual
- 54. Diagram of Superpond

Summary of Testimony

ND1 Almazan

Advised of 31(b): waived.

Company 2-3 since September 2012. Leading Petty Officer: Currently undergoing requalification of diving qualifications.

In the Navy for 14 years. A diver since 2006.

Mark 16 Diving Apparatus is a closed re-breather system that is primarily used for EOD operations because of low magnetic signature. Provides more time underwater than SCUBA.

SCUBA depth limit is 130 feet normal, 190 feet max. Understood normal working limits of SCUBA to be 130 feet but with CO/OIC approval can go to 190 feet. Also needed operational necessity for the dive.

Had 15 personnel in 2-3. Master Divers are technical experts. Senior Chief (b) (6) is a Master Diver

Was the Dive Supervisor for the Final Evaluation Phase (FEP) scenario involving a downed helicopter FEP would be followed by deployment in April.

Command's Readiness and Training unit consists of Chief (b) (LCPO), Chief (b) (Master Diver) and Warrant Officer (b) (6) (ND1 (b) (6) Chief (b) and Chief (b) (b) (chief (chief (b) (chief (chief (b) (chief (b) (chief (b) (chief (chief (b) (chief (b) (chief (b) (chief (b) (chief (chi

The Detachment arrived the day before (25 February). Received safety information for diving in the pond by Army personnel. Primary concerns were the depth of the water and the 20 years of junk accumulated at the bottom of the pond. Had been briefed that an Army diver had died in the same location. That Army diver was diving by himself and was untended. He was in about 60 feet of water. The Navy doesn't send untended divers. Divers were briefed that they should take wire ships in case they are fouled on fiber optic cable at the bottom of the pond. Everyone understood not to be on the bottom:

Not told about what the scenarios were but knew what the capabilities would be demonstrating. First day were not allowed to get in the water because of the previous incident. They started diving around 930 or 1000.

Initial plan to address FEP scenario was to use Mark 16 to survey on the helo. Scenario had witness who saw the helo crash in the pond but could not tell if bodies were still in the helo. Scenario was designed to use Mark 16 or SCUBA.

2 of 4 Mark 16s were down upon inspection and 3 would be required for the scenario. Always have one for the standby diver. Could not have repaired on site. SCUBA and surface supplied air was the options.

Considered use of SCUBA. After making calculations witness determined that divers would have 11 minutes of air which was insufficient to conduct a survey and recommended they use Surface Supplied Air. CWO3 (6) and NDCS (6) said to start setting up Surface Supplied Air.

11 minutes could support a "bounce" dive which would be used to at least locate the target of the scenario. Ascending would require 5 minutes because of the requirements of the dive tables. Water temperature was 41 degrees. Bottom time was 5 minutes. Rate of descent 75 feet per minute. 50 feet ascend per minute.

Everyone was on board with using Surface Supplied. They were going to dive on the object that was blocking the barge. Then there was a discussion and witness was told by CWO (b) and NDCS (b) (6) that they had to dive Mark-16 or SCUBA. They then went back to setting up for SCUBA.

Divers, because of the temperature, were initially using dry suits which enable a diver to keep warm during the dive. However, dive suits are cumbersome, uncomfortable, and require brief stops to purge air that accumulates beneath the dry suit. By contrast a wet suit is more comfortable.

During the first dive (b) (6) and U(b) (6) tending line became "rats nested" (entangled) and witness directed that 4 pulls of the tending line be given to return the divers to the surface. Divers had got to about 100 feet before the dive was aborted. When they got to the surface, they got info on bottle pressure, depth attained, and whether they saw anything. The divers didn't have any issues with their equipment.

The "clump" or descent line was moved to a different location because the witness (for the purpose of the exercise) saw the helo go down in a different location. The Second set of divers (Reyher and Harris) changed from dry suits to wet suits because of the input from the first dive. Witness told the divers not to touch bottom and to stay on their descent schedule. I briefed them that they would leave the bottom at 4 minutes. That gave the witness an additional amount of time to get them back safely. Pre-dive checks were conducted. At that time the divers were asked if they wanted to make the dive and both divers said they wanted to make the dive. Chief (b) (6) was tending the divers. Reyher and Harris had trouble clipping into the descent line. A descent line is used to help orient a diver to keep them in a straight line. Divers use a hand over hand decent: Apex regulators TX-50s.

Divers descended and eventually received a "1" which means they made it to the bottom (approx 2.33). About 3:30 gave them a "4" to abort the dive. Gave them another 4 and responded to 4 minutes and some seconds. Chief (b) (6) takes about 20 feet. Got indications (increased bubbles) that they were coming to the surface. After that the line gets real taut like they stopped then the line went back into the water. Chief (b) (6) was feeding line: Witness told him to stop feeding line. Increased bubbles keep happening—this should not be happening.

They asked evaluators if this were part of the scenario and was told no. (b) (6) was the Standby diver and had similar equipment as Reyher and Harris: Witness launched: (b) (6) to assist the two divers: Approximately at 4 minutes (c) (6) resurfaced: (b) (6) was experiencing free flow out of his second regulator and his primary regulator had iced up. He was out of breath. At this point witness contacted MDV (b) (6) to ask for standby divers and to let him know they had an incident and to contact 911. At this point Reyher and Harris had been in the water for approximately 12-15 minutes: No more bubbles were coming up to the surface. MDV (b) (6) was on a barge about 100 feet away. (b) (6) was

experiencing free flow out of his second regulator and his primary regulator had iced up. He was out of breath

They began pulling on the line to recover the Reyer and Harris. Witness believed that the divers were fouled because of the resistance they experience in pulling the line.

Third set of divers were ND1 (b) and ND3 (b) (6). They were using the same SCUBA equipment, that Reyer and Harris had. They got in the water and swam down to about 100 and 110 feet but had to surface because (b) did not feel right. Witness stated that he asked (b) (6) he was alright and (b) said he didn't feel right.

They pulling the line in a different direction and Reyer and Harris started to come to the surface. Harris was the first to surface. He had the tending line wrapped around his arm. Once they got on board, they were taken out of their gear and they began CPR.

ND1 (b) (6)(b) (6)

Diver since 2008. When he found out that the Mark 16s were down the plan shifted to using SCUBA WO told Almazon to "do the math". Didn't appear that they would use SCUBA and began setting up for surface supplied air dive. All the divers realized that SCUBA gave the divers a very small window to accomplish the objective.

Once he did so, they began preparing to make the dive in SCUBA. The divers were ready and willing to make the dive.

All the divers realized that SCUBA gave the divers a very small window to accomplish the objective.

CWO3 (b) asked all the divers if they were comfortable making the dive and we said we were.

(b) (6) and his partner began diving in the wet suit. Water was cold but comfortable in a dry suit. The visibility was pitch black with about 2-3 feet visibility with light. When he and his partner were recalled to the surface (apparently tending line was fouled) neither he nor his partners experienced any equipment issues. When he got to the surface he conveyed to the next team of Reyner and Harris that they didn't need a dry suit and should make the dive in a wet suit.

As he understood the mission, it was a bounce dive because of the limited bottom time. Never dove SCUBA beyond 130 feet. Very comfortable to dives 60-120 feet,. Understood that dive manual required CO/OIC approval.

<u>Special (b) (6) (b) (6)</u>

NCIS agent for 6.5 years. Assigned to USNA at Annapolis: Special Agent duties at USNA includes investigation of all criminal matters. Area of Operation includes Fort Meade and Aberdeen Proving Ground. Helped coordinate NCIS investigation into diving deaths that occurred on 26 February 2013 as part of NCIS Major Crimes Response team. In that capacity, he helped coordinate a site survey inspection of the dive equipment used, catalogue personnel belongings of the stricken divers, and

interviews. Other investigative actions included a water analysis of the pond and the use of a Remotely Operated Vehicle to survey the bottom of the pond. ROV survey revealed metal objects at the bottom of the pond.

Special Agent (b) (6)(b) (6)

Certified Dive master by PADI. Also member of the Major Crimes Response Team. She was not assigned to the team because of her knowledge of diving. Arrived on scene and began reviewing handwritten statements that had already been taken. Dive gear of the two divers was secured in place. Did not read either of the accused rights because they were not suspected of an offense: Senior Chief (b) (6) assisted with gathering of the statements and was helpful.

She helped take custody of the dive equipment and prepared for transport to NEDU

ND3 (b) (6) (b) (6)

Active duty and assigned to MDSU TWO Det 2-3. Checked in September 2011. Diver since August 2011. On 26 Feb 2013 was assigned a standby diver. Standby divers are there to assist divers if there is a problem with the divers at the bottom.

Originally they were going to dive Mark 16s. But 2of 4 were down. Originally there was a small obstacle (training) by the barge that they were going to dive on using scuba. Then we had the idea to dive SCUBA for the project in the middle of the pond. We asked the Master Diver who said "No" not a good idea do the math". Almazon went back and did the math and agreed it was not a good idea. There wasn't an adequate amount of time on the bottom. So we were going to use surface supplied air. Witness doesn't know what happened next or where the decision came from but they decided to use SCUBA for the middle of the pond. Concerns with using a single 100 tank was that there wouldn't be enough air at 150 and the task that we need to do (the survey of the helo).

After first team came back to the surface they said that Harris and Reyer didn't need the dry suit. So they changed into wetsuits and left me in a dry suit. I was in the boat with Chief (b) (6) Almazon, Reyer, Harris and (b) (6)

After receiving some erratic line pulls then sent me. I got it. Go down and find them and bring them back and if not tell us what you need. I started to go down. I couldn't go down head first because I was using the dry suit. I got entangled in both tending lines at about 100 feet and got turned around. At about this time they sounded the recall and they started pulling me up. I dove in similar circumstances but never in water cold fresh water and depth. After I was recovered they sent the second set down.

I did not have any concerns at the time. I wanted to make the dive. There were concerns but I wanted to make the dive. My concerns were that I had never been to 150 feet on SCUBA. Any concerns for a bounce dive at 150 feet in SCUBA? No. Reyer or Harris express any reservations? No.

Received a one from the divers. Looking at the tugs: 4 received from the divers to the tenders: 4 sent to acknowledge:

Knew the dive manual required CO/OIC approval for SCUBA dives greater than 130 feet. With CO/OIC approval could go to 190 feet. Dive Brief told job 150 for 5 come up at 4 minutes.

cwo previously asked questions of the divers if they were willing to make that dive. He asked if they had dived that deep before. All of the divers had done work up dives in the dive chamber to 160 and we were all comfortable with that depth.

ND1 (b) (6)(b) (6)(b) (6)(b) (6)

Assigned to MDSU 2 for 2.5 years. Was at Aberdeen Proving Ground. Knew Reyer and became friends. Knew Harris in passing. Tasked with first SCUBA dive which was an ATFP dive in 20 Feet of water.

(b) (6) complained that his regulator was free flowing. Accomplished the objective Began setting up the chamber for the next dive. Deeper dives were planned for the day.

Understanding was that they were going to do an inspection dive with Mark 16s. Heard about the Mark 16s weren't operating. No contingency for Mark 16 dive if Mark 16s weren't utilized.

Conversation with Reyer when they both saw SCUBA being set up and both said to each other "150 for 5". Because of our qualifications we both knew the dangers of doing that. We knew we could be called about to make that dive. We knew that we had a choice and we could say no or yes. During training, we knew of a member who declined to make a Mark 16 pool dive and there was a backlash against that person.

Knew there wasn't enough air and we knew the water was cold. Based on the conditions of the dive, it was high risk for low reward.

Deepest he dove in SCUBA was 80-90 feet during an operation. Expression "Train as we Fight" is a common expression used in his community. Doing work up dives in a chamber is not the same as diving deep in SCUBA or Mark 16.

Never brought concerns with anyone else

ND3 (b) (6)(b) (6)

Assigned to MDSU TWO Det 3-2. Adopted JAGMAN statements as testimony.

On afternoon, 26 February was on the barge dressed out with his dive partner ND1; (b) as a continuation of the mission. He heard reports of erratic line pulls over the radio and the need for rescue divers. He and the need already dressed out so they started getting the other dive gears

knife; fins, and mask. Went out to the dive site and were told that the diver communication was lost, they were not responding and they could not be pulled up:

He and (b) (6) were to descend on the stricken divers tending line and b. He describes the conditions as zero visibility and extremely cold. He and his partner had trouble breathing while descending and ran out of their allotted bottom time and had to ascend. He had experienced hyperventilation. Not sure of the cause. He did not experience free-flow or any other equipment issues

He believes he reached about 120 feet and ND1's depth was about 115

NDCS (b) (6)

Given 31(b) Warnings: waived

At command for 2.5 years. Diver for 15 years. Dive school in 1998. Was the Readiness and Training Master Diver. He makes sure company training is available and helps line up training opportunities for the teams.

FEP is the Final Evaluation Process. Units go through an 8-12 month training cycle. Tests what they have learned through the training process

Responsible for coordination of the FEP package. Training Officer and CO responsible for developing FEP package. FEP package was a mirror of a prior FEP; CO wanted this package to get away from an EOD focused missions to Salvage focused missions.

Mark 16 scenario: Helo down in the pond, using Mark 16 to locate aircraft and mark it. Was there any part of the FEP package that required a deep scuba dive? No. Deep to him would be 190 feet because that is the maximum working limit for SCUBA. Normal working limit is 130 feet.

When could you go down to 190 feet? When it is considered an operational commitment or the CO/OIC gives the approval to do so. Operational Commitment would be an operation. FEP would not be an operational dive.

On 26th, there were discussions between MDSU TWO and facility personnel. Because of the earlier death, diving at the pond had been suspended. They went up to Aberdeen Test Facility and talked to be a facility personnel. Because of the earlier death, diving a facility personnel. Because of the earlier death, diving a facility personnel. Because of the earlier death, diving a facility personnel. Because of the earlier death, diving a facility personnel. Because of the earlier death, diving at the pond had been suspended. They went up to Aberdeen Test Facility and talked to be a facilit

Members of the MDSU Training team. Was to evaluate the FEP. No one member had a particular role.

AMU is lit of equipment available of use for Navy diving. Regulators APEX TX-50 no longer authorized for use in cold water.

In February of 2013 what was your understanding of operational necessity. Anything operational

First time witness sat as evaluator. Safety hazards briefed on previous death, fouling hazards. If he saw something would have stepped in. Never believed anything he saw required him to intervene. IO exhibit 8 aware of emails acknowledged change to SCUBA.

Once decision was made to use SCUBA, witness went down to the pond to ensure that they had proper dive equipment and that Almazon had made the correct calculations. At the time, he didn't have any safety concerns. At the time of the dive, the witness was on the shore; 300 yards from the dive station. He was noting the time of the dive. ND1 Almazon put (b) (6) in the water at approximately 5 minutes. Witness started making way to the dive barge. MDV (b) (6) was preparing two other divers to deploy. Watched from the dive barge, so as not to interfere with rescue effort.

In everything witness observed, MDV (b) (6) did everything that he should have been done.

CDR (b) (6) put out he wanted his teams to dive deep.

Passing FEP: CO has ability to allow unit to deploy without FEP. Typically necessary to deploy: CWO called CWO b) (6). That wasn't unusual. Strange CWO b) (6) was not on scene. Went to command two separate occasions to let command know that he was uncomfortable with not having CWO (6) (6) with the evaluators at the FEP.

Witness was comfortable with the "bounce" dive

Knew objectives of FEP. Were there discussions among FEP evaluators that if CWO standard uncomfortable with a dive. Bounce dive was to verify location of the target. What would have happened if they didn't locate helo? They would have been graded accordingly. What expected to see? Dive Mark 16 and locate and mark the objective.

NDC (b) (b)

Provided 31(b) warnings: waived

Diver since 1998. MDSU TWO: On scene evaluator.

Sent warning order and FRAGO. Standard diving request for Helo salvage. Tasked to use specific capability? No.

Helped create FEP package. Used prior FEP package and changed according to R and T changes. CWO informed witness that he was shifting to surface supplied air. Witness then (b) (6) if he had thought about using SCUBA.

Scenario had been designed to drive the team to utilize Mark 16. The artificial obstacle and time constraints were used to push team to use Mark 16 vice surface supplied air.

Could have dived the obstacle with surface supplied, cut it in half, and remove it. Time constraints were created to push team to use Mark 16.

CO emphasizes to "train as you operate"

Before using, CWO3. asked witness if he had permission to use SCUBA. Witness directed that question to CWO3. (b) (6) Did have permission to make that dive. No member of N7 objected to the dive.

Did not have any safety concerns with the safety measures in place. Level 1 recompression chamber, abundance of extra diving equipment, tending line and buddy lines were being used, descent line, and controlled operating environment. Short dive down and back up.

On shore tending to administrative details. Preparing emails to CWO3. (b) (6) Other than not using SCUBA; were there any other measures that could have been implemented to increase safety. No

Witness said to Warrant Officer (b) "Have you thought about SCUBA?" to accomplish the FEP exercise. Should not have spoken because he was evaluator.

Towed device had been snagged in a previous FEP.

CWO (b) (6) was most knowledgeable for FEP. Witness was concerned that CWO3 (b) (6) was not present.

NDCM (b) (6)(b) (6)(b) (6)

Assigned to EODGRU TWO as Command Master Diver.

In the Navy for 21 years, 17 years as diver. Master Diver.

Subject Matter Expert for JAGMAN investigation. Interviewed witnesses and had input in preparing report.

Calculations of Dive Supervisor (11 minutes) were correct. Rates of descent is 75 feet per minute is maximum. Might go slower in cold water with limited visibility. Conclusion was that dive team descended at maximum rate. Maximum rate of ascent is 5 minutes for 150 feet.

Pond 39 degrees. Cold water no current. Visibility was less than one foot. Never saw dive with SCUBA in those conditions to 150 feet.

JAN 08- JAN 13: 5934 MDSU dives only 28 SCUBA Dives over 130 feet (31598 total dives) The 28 dives were made in 2008. Aircraft recovery in the Gulf of Mexico. Actual operation, not training.

JAGMAN found one minute was insufficient time to overcome unforeseen circumstances.

Steps needed if team briefed on mission, adequate air supply, and minimum equipment for SCUBA, briefed on safety measures. Workout dives were confirmed (recompression chamber).

Chief made recommendation to use SCUBA. Once decision was made; no one on the surface was to blame. There were unforeseen circumstances that occurred that are inexplicable. Two theories: fouled hard on the bottom and issues with the regulator.

NAVSEA board determined that APEX TX-50 is no longer allowed for cold water dives

Based on what he saw, CWO3 (b) and MDV (b) (6) ORM utilized but there were deficiencies in the ORM. Brief conversation for asking for permission. Other options were available: clear obstruction or not make the dive. If not complete objective, wouldn't pass FEP. Would have to redo FEP.

Investigation concluded that the Dive Manual definition of operational necessity was vague.

NDC (b) (6)(b) (6)

Given 31(b) Warnings: waived

Part of the dive team. Was the tender for Reyer and Harris. Line not marked. Divers go down. Loaded gear into the boat. Prepared the boat before underway. Doesn't know who prepared the line in the buckets. Had extra tanks: at least two if not three in addition to the tanks the divers had. Part of the discussion group on using SCUBA when Mark 16s went down. Doesn't recall who suggested.

Had to do something when Mark 16s went down. Had the means to do what they were qualified to do (SCUBA).

Previously team had trained to conduct dives (chamber dives) to reacclimatize personnel or acclimate personnel who had not experienced effects of nitrogen narcosis.

First Dive pair was because the fending line became rat-nested.

Feed line into the water to give slack to the diver about two feet at a time. First pair resurfaced and witness took them back to the barge. Next pair was Reyher and Harris. They were supposed to hold the descent line when they descended.

Line pulls: Gave a one and received a weak one in response.

Weak line pulls could be caused by the amount of line in the water:

Almazon told him to give them a four and received what he assumed was four. Not a clear crisp four. Lot of resistance like they got fouled in the descend line or the fiber optic cables. The more he pulled the more resistance he encountered. Made him nervous because if they were fouled, he didn't want to make it worse by pulling.

At the time, he thought maybe they were swimming down to free themselves. Started to feed them more line 10 to 15 feet. Almazan said don't pay out any more line. Doesn't recall how much line he paid out after that direction.

Tended standby diver line. When he came up he noticed that his first stage was frozen and his second stage was free flowing.

Called back for fresh set of divers. Why not pull them up? Not according to protocol. Eventually did pull them up.

Only received erratic line pulls. Repetitive jerking. Told ND1 Almazon; "I don't what they just gave me." In reference to the line pulls.

CDR (b) (6)(b) (6)

Given 31(b) Warnings: asserted.

Sworn statements offered as witness deemed unavailable.

Mr. (b) (6)

Little Britain, Pennsylvania.

Test Officer and Diving Officer for Aberdeen Proving Ground

Oversees Dive Operation.

Diver since 1984. Over 3700 logged dives. Deep Tech Certified Diver.

Coordinated Navy dive on 26 February. During the dive, his role was only as an observer. He was responsible to have a clear range and get permission to allow diving operations to begin. Gave safety brief not at the pond but prior at the trailer, a brief was given regarding potential debris; such as very thin fiber-optic cable (like fishing line). It was laying straight along the bottom and could entangle divers fins. Additional debris was also possible. Based on concern for the fiber optic cable, dive team was provided additional cutting instruments.

Very little understanding of the mission beforehand. Located near the Zodiac used to initiate the dive. For first dive, saw the tender line had become entangled and the dive was aborted.

Nothing unusual for second dive (Reyer and Harris). Had trouble connecting to a line. Told to hook up at the bottom. 'Army divers don't use tending lines.

(b) (6) slight bit of ice on regulator and noticed bit of free flow.

Dove this pond more than 300 times and dives to 150 feet once a quarter. Standard Scuba used: Army uses radio communication. Bottom of the pond has silt and is dark. Need a flashlight to see. Divers would sink down about 12-18 inches if they stepped on the bottom.

He has been diving the pond for 20 years: Did see any evidence that divers got fouled? No indication that they got fouled.

Observed bubbles immediately upon diving. Bubbles were in close proximity to each other. Bubbles were not continuous.

At about 12-14 minutes he observed a high rate of bubbles which was due to either low cylinder air or free flow. Low air would cause divers to breathe more quickly. 35 to 40 seconds later the bubbles ceased.

An investigation into the prior death has not been concluded. Even so, MDSU 2 was permitted to dive the site.

Mr.(b) (6)(b) (6)

Panama City Florida

NEDU is an organization belonging to NAVSEA that exist to test dive equipment and other divers throughout the world.

He has 8 years experience. 20 death investigations. Exhibit 32 is the report he prepared. Reviewed SCUBA equipment for the MDSU divers.

Received equipment on 28 February. 3 pelican cases had scuba equipment in each one. The equipment received had been used. Didn't appear to be damaged. One set of equipment was pretty well covered in mud which was assumed to come off the bottom of the pond.

No abnormal results for gas tests from the samples taken from the SCUBA tanks.

Only manufacture specifications: the ability of the first stage regulators had the ability to provide and hold under intermediate pressure. 2 did that, one did not. This was the regulator that had been free flowing. Would not have been detected by casual visual inspection. Wouldn't be obvious

Tests were done at 150 feet and 38 degrees. Possible for those regulators to free flow based on tests conducted in 2004.

Performed 62 dives for free-flow. Table 3 of the enclosure.

No unusual findings for the regulator's when taken apart.

Equipment sent back to the unit after completion of the testing.

Warnings on repair manual for regulators warn that TX50 should be used in water colder than 45 degrees because of the danger of free-flow.

Maintenance logs reviewed and all regulators within required PMS periodicity

Not surprised that the regulators were approved on the AMU list down to 29 degrees based on the warning because NAVSEA directs tests and NEDU is not inhibited by manufacturer warnings:

ND1 (b) (6)(b) (6)

Assigned to MDSU TWO

26 Feb 13 was assisting R and T team. He was on the boat with Almazon, Reyer, Harris; (b) (6) and (b) (6) There as an observer. Was no to have interaction as an observer, was just to take notes. Took notes on a spiral notebook but can't remember who he gave it to.

Did not have a lot of specific information that he recalled regarding the event.

He saw 4 sent on the tending line, he did not see 4 returned nor does he recall someone saying they had received 4. Knew bubbles had ceased before the 3rd team arrived to assist:

If he had seen something dangerous he was have said something.

<u>CWO</u>(b) (6)(b) (6)

Given 31(b) Warnings: asserted.

Conclusion

After reviewing the testimony presented at the hearing and all of the exhibits, I do not recommend that the charges in this case be referred to courts-martial for either NDCS (b) for CWO3 (b).

With hindsight, it is clear that the dive using SCUBA on 26 February 2013 that claimed the life of ND1 James Reyher and ND2 Ryan Harris should not have been undertaken. The pond was cold, dark, had limited visibility even with flashlights, and had potential fouling hazards at the bottom. The dive to 150 feet with SCUBA exceeded the normal working limits of 130 feet. Most of the participants had never dived beyond 130 feet with SCUBA. According to the Safety Center data compiled for the JAGMAN investigation in this case, over the last 5 years no training dives with SCUBA were undertaken in excess of 130 feet. The plan to use a "bounce dive" to verify the helicopter location did not allow the divers sufficient air or time in the event of unforeseen problems.

However, NDCS (b) (6) and CWO3 (b) and did not have benefit of hindsight and obviously did not believe that the diverwould claim the lives of two Navy divers. It is necessary to examine the circumstances faced by and the information available to the accused at the time of the accident.

The Final Evaluation Phase (FEP) problems for MDSU 2 Det 2-3 had been designed using a previous FEP at the same location. Although there was testimony that the Commanding Officer could permit the detachment to deploy if they did not pass FEP, most of the witnesses believed that passing FEP was required prior to deployment. Diving on 26 February was supposed to begin early that morning, but diving operations were delayed until permission of the Aberdeen Proving Ground Commander had been obtained. This put the FEP behind schedule. I believe this placed some pressure on the participants to complete all of the required tasks.

travelled to Aberdeen. He was available by phone and was contacted by CWO3 (b) on at least one occasion. It does not appear as there were any communication issues.

The site had a Level I Recompression chamber and personnel were trained to operate the chamber. There were trained medical personnel at the pond and EMS was available to the site.

Witnesses stated that CDR (6). Commanding Officer of MDSU TWO, wanted divers to be more aggressive and "dive deep" using SCUBA and also wanted members to "train like we fight" or words to that effect. This "train like we fight" philosophy helped blur the line between "operational necessity" and training events like FEP. It is clear to me that the members of MDSU 2-3 and members of the R and T team believed that the FEP objectives were not training but were much more important—something akin to an operational mission.

The portion of FEP that involved the helicopter carcass at the bottom of the pond was designed to drive the team to use Mark-16s and not use Surface Supplied Air. When 2 of 4 Mark-16s were determined to be "down", the options that would be available were: remote operated vehicle (towed); surface supplied air, and SCUBA.

Because of previous fouring problems experienced by another detachment at the same location, the towed remotely operated vehicle was not available. The barge bearing the surface supplied air was blocked by an artificial obstruction that would require diving, cutting up the obstruction, and bringing the obstruction to the surface. Why not accomplish this task then use surface supplied air to dive the helo?

The FEP problem was designed to discourage the use of surface supplied air in favor of the Mark-16s. Once the Mark-16 were not available, the obstacle to use the surface supplied air remained in place and deterred CWO3 (b) from simply removing the artificial obstacle that blocked the barge bearing the surface supplied air equipment. In his statement (Exhibit 11) CWO3 (b) stated that he was informed by Chief (b) he risked failure of the helo objective if he shifted to removing the obstruction blocking the barge.

CWO3 (b) had earlier discarded a recommendation from ND1 Almazon to use SCUBA to conduct a survey of the helo because of the very limited time SCUBA could be conducted. Chief (b) (6) comment that "You would be surprised with what you can find with SCUBA" or words to that effect further encouraged the use of SCUBA for a "bounce dive".

Once the decision had been made to use SCUBA for a bounce dive, a decision that was encouraged by a member of the R and T team, CWO3 been performed by believed that he then needed the approval of the Commanding Officer before undertaking the SCUBA dive. The Navy Dive Manual required Commanding Officer or Officer in Charge approval and operational necessity for SCUBA dives below 130 feet. It can be argued that CWO3 be should have known that both elements were required to make such a dive or that he should have known that such a dive would not be permissible in a training evolution. What is clear from the evidence is that no witness present at the dive site understood that SCUBA dives deeper than 130 feet could be undertaken only in cases of "operational necessity". Even

the OIC of the R and T team, CWO3 (b) (6) Indid not understand this requirement. When he talked about the dive with CWO3 (b) (6) he never questioned why CWO3 (b) had considered a dive below normal working limits for an exercise. No one from the R and T team (including CWO3 (b) (6) Who were aware of depth of the target raised any objection to the use of SCUBA. This lack of understanding of "operational necessity" revealed by this incident triggered a change to the Navy Dive Manual language describing "operational necessity".

In undertaking the use of SCUBA for the Helo FEP problem, CWO3 (b) and NDCs g(b) (6) cook steps that would mitigate the risks taken by using SCUBA.

Divers were provided wire snips because of the potential fouling hazards based on the safety brief they received by personnel at the Aberdeen proving ground. Divers utilized the appropriate minimal gear for SCUBA. In addition to CWO3 (b) and NDCS (b) (6) there were numerous highly trained personnel in close proximity to the event including several Master Divers. In addition, Aberdeen Proving Ground personnel were also present to observe the day's events including Mr. (b) (6) a very experienced diver who had dived this pond over 300 times with SCUBA.

A descending line or clump was being used to help orient divers to the bottom of the pond. The traditional Navy tending lines and buddy lines were used in accordance with standard procedures. A standby diver was used (ND3 15) (6) and additional divers were in close proximity to the dive site on the barge. Extra SCUBA tanks were available for use. Prior to the dive and in preparation for the FEP, work up chamber dives had up to 160 feet had been conducted. A level 1 recompression chamber was located at the dive site. Medical personnel were available on the barge and EMS could access the site.

Additionally, CWO3 (5) or other members of his team did not appear to have had a cavalier attitude about the dive. CWO3 (5) asked several divers whether they were comfortable making the dive to 150 feet using SCUBA. CWO3 (6) also contacted CWO3 (6) to ask for permission to conduct the dive. In that conversation, he was lead to believe that he had authority to proceed with the dive and that the Command approved of his course of action.

Once diving operations had commenced, the Diving Supervisor, the line tender, and other personnel were clearly focused on the dive. It appears from the testimony that once ND1 Almazan and the line tender determined that Reyer and Harris had encountered some difficulty, they took immediate measures to affect a rescue. The evidence suggests that although ultimately ineffective, there were no rescue efforts or procedures that should have been undertaken that were not.

After thoroughly reviewing the evidence, I have concluded that there is no evidence that either CWO3 or NDCS (b) committed Article 119: Manslaughter—Specifically, I did not find that either of the accused killed divers Reyer and Harris through culpable negligence. Neither CWO3 (b) (c) committed an act or omission "when viewed in the light of human experience, might forseeably result in the death of another."

Furthermore, I did not find evidence that supports the charge of Article 134: Negligent Homicide. I did not find that that decision alone to use SCUBA beyond the normal working limits to be sufficient to

establish that the deaths of Reyer and Harris were caused by this decision. The government did not provide evidence to establish specifically how the divers were killed. What happened below the surface to divers Reyer and Harris may never be known and without establishing the proximate cause of their deaths, guilt by negligent homicide cannot be established.

With respect to Article 92: Dereliction of Duty.

After reviewing all of the evidence, I find there is no evidence to support the charge of Dereliction of Duty with regard to NDCS (MDV) (b) (6)

With respect to CWO3 (b) I do not believe that the evidence supports a claim that he was derelict in the performance of his duties. I do not believe the evidence has established that CWO (b) (6) "knew or should have known" of the requirement for an operational mission (i.e. "operational necessity"); it appears that no one at MDSU understood that requirement. It would be unfair to find that CWO3 (b) is culpable for not understanding this requirement when the evidence suggests that other personnel, including more senior personnel did not conduct sufficient training, did not emphasize the requirement for "operational necessity" in deep SCUBA dives, or were not aware of that requirement themselves:

Once again, in hindsight the dive using SCUBA on 26 February 2013 should not have been undertaken. CWO3[b] s approval of the dive with SCUBA was an error in judgment. The error in judgment should not subject him to criminal jeopardy.

(Of Charges	INVESTIG Under Article 3	GATING OF	FICER'	8 REPORT 55, Manual for Courts-Martial)	#1 8 mg # 1 - Sale-W			
18. FROM: (Name of Investigating Officer - Last, First, MI)	b GRADE	c. ORGANIZ	ATION		d. DA	E OF R	EPORT	
(b) (6)(b) (6)	0-6	O-6 Commander, Naval Surface Force Atlantic 16				16 July 2013		
29. TO: (Name of Officer who directed the Investigation - Last, First, MI)	b. TITLE Commander							
Tillotson, Michael P.				Navy Expeditionary Combat Command	u			
Sa NAME OF ACCUSED (Last, First, MI)	b. GRADE	C. SSN		d. ORGANIZATION	e. DATE C	TE OF CHARGES		
(b) (6) (b) (b) (6)	NDCS	(b) (6)		Mob. Diving Salvage Unit TWO	30 .	APR.13		
		appropriate ans				YES	NO	
4. IN ACCORDANCE WITH ARTICLE 32, UCM.I IHAVE INVESTIGATED THE CHARGES APP	ENDED HERE	(O (Exhibit 1)	OR COU	RTS-MARTIAL,		×		
5. THE ACCUSED WAS REPRESENTED BY CO	DUNSEL (If not.	see 9 below)				X	_	
8. COUNSEL WHO REPRESENTED THE ACCU	ISED WAS OUA	LIFIED UNDE	RRCM.	405(d) (2) 502(d)		Ŷ		
78: NAME OF DEFENSE COUNSEL (Last, First, I	VIII	b. GRADE	8a NAM	E OF ASSISTANT DEFENSE COUNSEL	(Trani)	b. GR	THE .	
(b) (6)(b) (6) c. ORGANIZATION ((f appropriate)		ĹŢ		(b) (6) ANIZATION (fappropriate)	- 10	L		
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9. (To be signed by accused if accused waives course	I If arminal days	sat elan Inve	eigering aff	Soon will from the Control of the Control of the				
a. PLACE Norfolk, Virginia		(Av angualiness	b. DATE	19-20 June 2013		·	-	
I HAVE BEEN INFORMED OF MY RIGHT CIVILLAN OR MILITARY COUNSEL OF MY C C. SIGNATURE OF ACCUSED	HOICE IF REAS	SONABLY AVA	VILABLE,	I WAIVE MY RIGHT TO COUNSEL IN T	MY RIGHT HIS IMVES	TO TIĞATIO	M.	
10. AT THE BEGINNING OF THE INVESTIGATION	NINFORMED	THE ACCUS	ED OF: (Check appropriate answer)		YES	NO	
a. THE CHARGE(S) UNDER INVESTIGATION						X		
b. 'THE IDENTITY OF THE ACCUSER						X		
C. THE RIGHT AGAINST SELF-INCRIMINATION	UNDER ARTIC	CLE:31		,		X		
d. THE PURPOSE OF THE INVESTIGATION				· · · · · · · · · · · · · · · · · · ·		Ŷ		
e. THE RIGHT TO BE PRESENT THROUGHOU	THE TAKING	OF EVIDENC						
THE WITNESSES AND OTHER EVIDENCE K	MOWN TO UE	WHICH LEXE	ECTON TO	Apprecia		×		
g. THE RIGHT TO CROSS-EXAMINE WITNESS				ON INCIDENT		×		
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I. THE RIGHT TO PRESENT ANYTHING IN DE				ON:		X		
. THE RIGHT TO MAKE A SWORN OR UNSW	OPH STATEME	ACT OBALLY	OD IN MA	OIE.		×		
11a. THE ACCUSED AND ACCUSED'S COUNSE	LWERE PRES	ENT THROUG	SHOUT TH		he accused	×	·	
or counsel were obsert during any part of the pres b. STATE THE CIRCUMSTANCES AND DESCR	IBE THE PROC	EEDINGS CO	<i>below)</i> NDUCTE() IN THE ARSENCE OF ACCUSED OR	COUNSEL			
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ENCLOSURE (\$\mathbb{L}\$)

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12a. THE FOLLOWING WITNESSES TESTIFIED UNDER	OATH: (Check and	ropriate answer)		
NAME (Last, First, MI)	GRADE (If any)	ORGANIZATION/ADDRESS (Whichever is appropriate)	YE\$	NO.
Alamazan, Fernando	NDI	MDSU TWO	×	
(b) (6)(b) (6)	NDI	MDSU TWO	×	
(b) (6)(b) (6)		NCIS	×	
(b) (6)(b) (6)		NCIS	×	
(b) (6) (b)	ND3	MDSU TWO	×	
(b) (6)(b) (6)	וסא	MDSUTWO	×	_
b. THE SUBSTANCE OF THE TESTIMONY OF THESE W	TNESSES HAS E	BEEN REDUCED TO WRITING AND IS ATTACHED.	X	
158. THE FOLLOWING STATEMENTS, DOCUMENTS, OF EXAMINE EACH.	MATTERS WER	E CONSIDERED; THE ACCUSED WAS RERMITTED TO	A III	
DESCRIPTION OF ITEM		LOCATION OF ORIGINAL (If not attached)		
SEE ATTACHED				
	.			
	<u> </u>			
b. EACH ITEM CONSIDERED, OR A COPY OR RECITAL	OF THE SUBSTA	NCE OR NATURE THEREOF, IS ATTACHED	X	
COMPETENT TO SANCTICIPATE IN THE DESENSE OF	See R.C.M. 909, 916	MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT		×
16. THE DEFENSE DID REQUEST OBJECTIONS TO BE	NOTED IN THIS R	EPORT (If Yes, specify in Item 21 below.)		×
16 ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN 17. THE CHARGES AND SPECIFICATIONS ARE IN PROP	THE EVENT OF	TRIAL	×	
18. REASONABLE GROUNDS EXIST TO BELIEVE THAT	ER FORM	ALIVER ATTICATION AND AND AND AND AND AND AND AND AND AN	X	
19. I AM NOT AWARE OF ANY GROUNDS WHICH WOUL	DESCRIPTION OF	OMMITTED THE OFFENSE(S) ALLEGED	-	<u> </u>
(See R.C.M. 405(a) (1). 20. I RECOMMEND:	DISQUALIFY M	EFROM ACTING AS INVESTIGATING OFFICER.	×	
a. TRIAL BY SUMMARY b. OTHER (Specify in Item 21 below)	SPECIAL	GENERAL COURT-MARTIAL		,
21. REMARKS (Include, as necessary, explanation for any dela	ys in the investigation	on, and explanation for any "no" answers above.)		
see attached.				·
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22a. TYPED NAME OF INVESTIGATING OFFICER	b. GRADE	c. ORGANIZATION		
(b) (6)(b) (6)	CAPT	Commander, Naval Surface Fonce Atlantic	•	
d. SIGNATUS (b) (6)(b)) (6)) (6)	e. DATE	3	
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Block 12a. (Continued)

Name	<u>Grade</u>	<u>Organization</u>
(b) (6)(b) (6)	ND3	MDSU TWO
(b) (6)(b) (6)	NDCS	MDSU TWO
(b) (b)	NDC	MDSU TWO
(b) (6)(b) (6)(b) (6)	NDCM	COMEODGRU TWO
(b) (6)(b) (6)	NDC	MDSU TWO
(b) (6)(b) (6)	CDR	MDSU TWO
(b) (6)	•	Aberdeen Proving Ground
(b) (6)(b) (6)		NEDU
(b) (6)(b) (6)	ND1	MDSU TWO
(b) (6)(b) (6)	сwоз	MDSU TWO

Block 13a. Continued

Exhibits

- 1. Charge Sheet
- 2. Convening Order
- 3. Continuance approval
- 4. NCIS ROI 1D Apr 13
- 5. NCIS ROI 30 Apr 13
- 6. NCIS ROI 20 May 13
- 7. Training Scenario Exercise Package
- 8. Exercise FRAGO
- 9. APG Superpond Diagrams
- 10. Scene Photographs
- 11. NDCS (b) (6) Statements
- 12. CWO3 (b) Statements
- 13. CW03 (b) (6) statement
- 14. NDCS(b) (6) Statement
- 15. NDC (b) statement
- 16. NDC (b) (6) statement
- 17. ND1 Almazan statement

- 18. ND1(b) (6) statement
- 19. ND3 (b) (6)(b) (6
- 20. ND1 (b) statement
- 21. (b) (6) statement
- 22. HM1 (b) statement
- 23. HMCS (b) (6) statement
- 24. Pre-dive checklist
- 25. Smooth log
- 26. Depth v. temperature graphs
- 27. Results of Remotely Operated Vehicle Test
- 28. Remotely Operated Vehicle photos
- 29. Number of Dives for EODGRU 2 and MDSU 2
- 30. RPH Autopsy Report
- 31. JER Autopsy Report
- 32. Navy Experimental Diving Unit Accident Investigation
- 33. U.S. Navy Dive Manual, Chapters 6 and 7
- 34. U.S. Navy Dive Manual No-Decompression Limits Table
- 35. MDSU 2 Dive Bill
- 36. Timeline
- 37. NGIS Documents
- 38. Final Summary Report: Unmanned Evaluation of SCUBA Regulators
- 39. Assorted documents Re: "Operational Necessity
- 40. ND3(b) (6) statement
- 41. Diving Advisory
- 42. COMNECC MSG dated 061735Z Mar 13
- 43. OPNAVINST 3750.6R'8 Apr 09
- 44. CTF 20 message dated 261030L FEB 13
- 45. EOD Force NMET Grade Sheet
- 46. U.S Navy Dive Manual (excerpt)
- 47. OPNAVINST 3501.133E (undated)
- 48. Timeline
- 49. Technical Manual TX-50 Regulator
- 50. Seaquest Service and Repair Manual
- 51. NEDU letter of 29 Mar 13
- 52. Statement of CDR (b) (6)
- 53. Sequest Repair Manual
- 54. Diagram of Superpond

Summary of Testimony

ND1 Almazan

Advised of 31(b); waived.

Company 2-3 since September 2012. Leading Petty Officer. Currently undergoing requalification of diving qualifications.

In the Navy for 14 years. A diver since 2006.

Mark 16 Diving Apparatus is a closed re-breather system that is primarily used for EOD operations because of low magnetic signature. Provides more time underwater than SCUBA.

SCUBA depth limit is 130 feet normal, 190 feet max. Understood normal working limits of SCUBA to be 130 feet but with CO/OIC approval can go to 190 feet. Also needed operational necessity for the dive.

Had 15 personnel in 2-3. Master Divers are technical experts. Senior Chief (b) is a Master Diver.

Was the Dive Supervisor for the Final Evaluation Phase (FEP) scenario involving a downed helicopter FEP would be followed by deployment in April.

Command's Readiness and Training unit consists of Chief (b) (LCPO), Chief (b) (6) Master Diver) and Warrant Officer (b) (6) (6) (6) (6) Chief (b) (b) (c) went to Aberdeen.

The Detachment arrived the day before (25 February). Received safety information for diving in the pond by Army personnel. Primary concerns were the depth of the water and the 20 years of junk accumulated at the bottom of the pond. Had been briefed that an Army diver had died in the same location. That Army diver was diving by himself and was untended. He was in about 60 feet of water. The Navy doesn't send untended divers. Divers were briefed that they should take wire snips in case they are fouled on fiber optic cable at the bottom of the pond. Everyone understood not to be on the bottom.

Not told about what the scenarios were but knew what the capabilities would be demonstrating. First day were not allowed to get in the water because of the previous incident. They started diving around 930 or 1000.

Initial plan to address FEP scenario was to use Mark 16 to survey on the helo. Scenario had witness who saw the helo crash in the pand but could not tell if bodies were still in the helo. Scenario was designed to use Mark 16 or SCUBA.

2 of 4 Mark 16s were down upon inspection and 3 would be required for the scenario. Always have one for the standby diver. Could not have repaired on site. SCUBA and surface supplied air was the options.

Considered use of SCUBA. After making calculations witness determined that divers would have 11 minutes of air which was insufficient to conduct a survey and recommended they use Surface Supplied Air. CWO3 (b) and NDCS B(b) (6) taid to start setting up Surface Supplied Air.

11 minutes could support a "bounce" dive which would be used to at least locate the target of the scenario. Ascending would require 5 minutes because of the requirements of the dive tables. Water temperature was 41 degrees. Bottom time was 5 minutes. Rate of descent 75 feet per minute. 50 feet ascend per minute.

Everyone was on board with using Surface Supplied. They were going to dive on the object that was blocking the barge. Then there was a discussion and witness was told by CWO (10) and NDCS (b) (b) (6) that they had to dive Mark-16 or SCUBA. They then went back to setting up for SCUBA.

Divers, because of the temperature, were initially using dry suits which enable a diver to keep warm during the dive. However, dive suits are cumbersome, uncomfortable, and require brief stops to purge air that accumulates beneath the dry suit. By contrast a wet suit is more comfortable.

During the first dive (b) (6) and (b) (6) tending line became "rats nested" (entangled) and witness directed that 4 pulls of the tending line be given to return the divers to the surface. Divers had got to about 100 feet before the dive was aborted. When they got to the surface, they got info on bottle pressure, depth attained, and whether they saw anything. The divers didn't have any issues with their equipment.

The "clump" or descent line was moved to a different location because the witness (for the purpose of the exercise) saw the helo go down in a different location. The Second set of divers (Reyher and Harris) changed from dry suits to wet suits because of the input from the first dive. Witness told the divers not to touch bottom and to stay on their descent schedule. I briefed them that they would leave the bottom at 4 minutes. That gave the witness an additional amount of time to get them back safely. Pre-dive checks were conducted. At that time the divers were asked if they wanted to make the dive and both divers said they wanted to make the dive. Chief (b) (6) was tending the divers. Reyher and Harris had trouble clipping into the descent line. A descent line is used to help orient a diver to keep them in a straight line. Divers use a hand over hand decent. Apex regulators TX-50s.

Divers descended and eventually received a "1" which means they made it to the bottom (approx 2:33), About 3:30 gave them a "4" to abort the dive. Gave them another 4 and responded to 4 minutes and some seconds. Chief (b) (6) takes about 20 feet. Got indications (increased bubbles) that they were coming to the surface. After that the line gets real taut like they stopped then the line went back into the water. Chief (b) (6) was feeding line. Witness told him to stop feeding line. Increased bubbles keep happening—this should not be happening.

They asked evaluators if this were part of the scenario and was told no. A was the Standby diver and had similar equipment as Reyher and Harris. Witness launched (b) (6) to assist the two divers. Approximately at 4 minutes (b) (6) resurfaced. (b) (6) was experiencing free flow out of his second regulator and his primary regulator had iced up. He was out of breath. At this point witness contacted MDV (b) (6) to ask for standby divers and to let him know they had an incident and to contact 911. At this point Reyher and Harris had been in the water for approximately 12-15 minutes. No more bubbles were coming up to the surface. MDV (b) (6) was on a barge about 100 feet away. N (b) (6) as

experiencing free flow out of his second regulator and his primary regulator had iced up. He was out of breath.

They began pulling on the line to recover the Reyer and Harris. Witness believed that the divers were fouled because of the resistance they experience in pulling the line.

Third set of divers were NO1 (b) and ND3 (b) (6) They were using the same SCUBA equipment that Rever and Harris had. They got in the water and swam down to about 100 and 110 feet but had to surface because Puett did not feel right. Witness stated that he asked (b) he was siright and Pu(b) said he didn't feel right.

They pulling the line in a different direction and Reyer and Harris started to come to the surface. Harris was the first to surface. He had the tending line wrapped around his arm. Once they got on board, they were taken out of their gear and they began CPR.

ND1 (b) (6)(b) (6)

Diver since 2008. When he found out that the Mark 16s were down the plan shifted to using SCUBA.

WO (b) told Almazon to "do the math" Didn't appear that they would use SCUBA and began setting up for surface supplied air dive. All the divers realized that SCUBA gave the divers a very small window to accomplish the objective.

Once he did so, they began preparing to make the dive in SCUBA. The divers were ready and willing to make the dive.

All the divers realized that SCUBA gave the divers a very small window to accomplish the objective.

CWO3 (b) asked all the divers if they were comfortable making the dive and we said we were.

(b) (6) and his partner began diving in the wet suit. Water was cold but comfortable in a dry suit. The visibility was pitch black with about 2-3 feet visibility with light. When he and his partner were recalled to the surface (apparently tending line was fouled) neither he nor his partners experienced any equipment issues. When he got to the surface he conveyed to the next team of Reyher and Harris that they didn't need a dry suit and should make the dive in a wet suit.

As he understood the mission, it was a bounce dive because of the limited bottom time. Never dove 50UBA beyond 130 feet. Very comfortable to dives 60-120 feet.. Understood that dive manual required CO/OIC approval

<u>Special Agent</u> (b) (b) (6)

NCIS agent for 6.5 years. Assigned to USNA at Annapolis. Special Agent duties at USNA includes investigation of all criminal matters. Area of Operation includes For Meade and Aberdeen Proving Ground. Helped coordinate NCIS investigation into diving deaths that occurred on 26 February 2013 as part of NCIS Major Crimes Response team. In that capacity, he helped coordinate a site survey, inspection of the dive equipment used, catalogue personnel belongings of the stricker divers, and

interviews. Other investigative actions included a water analysis of the pond and the use of a Remotely Operated Vehicle to survey the bottom of the pond. ROV survey revealed metal objects at the bottom of the pond.

Special Agent (b) (6)(b) (6)

Certified Dive master by PADI: Also member of the Major Crimes Response Team. She was not assigned to the team because of her knowledge of diving. Arrived on scene and began reviewing handwritten statements that had already been taken. Dive gear of the two divers was secured in place. Did not read either of the accused rights because they were not suspected of an offense. Senior Chief E(b) (6) assisted with gathering of the statements and was helpful.

She helped take custody of the dive equipment and prepared for transport to NEDU

ND3 (b) (6) (b) (6)

Active duty and assigned to MDSU TWO Det 2-3. Checked in September 2011. Diver since August 2011. On 26 Feb 2013 was assigned a standby diver. Standby divers are there to assist divers if there is a problem with the divers at the bottom.

Originally they were going to dive Mark 16s. But 2of 4 were down. Originally there was a small obstacle (training) by the barge that they were going to dive on using scuba. Then we had the idea to dive SCUBA for the project in the middle of the pond. We asked the Master Diver who said "No" not a good idea do the math". Almazon went back and did the math and agreed it was not a good idea. There wasn't an adequate amount of time on the bottom. So we were going to use surface supplied air. Witness doesn't know what happened next or where the decision came from but they decided to use SCUBA for the middle of the pond. Concerns with using a single:100 tank was that there wouldn't be enough air at 150 and the task that we need to do (the survey of the helo).

After first team came back to the surface they said that Harris and Reyer didn't need the dry suit. So they changed into wetsuits and left me in a dry suit. I was in the boat with Chief (b) (6) Almazon, Reyer, Harris and (b) (6)

After receiving some erratic line pulls then sent me. I got it. Go down and find them and bring them back and if not tell us what you need. I started to go down. I couldn't go down head first because I was using the dry suit. I got entangled in both tending lines at about 100 feet and got turned around. At about this time they sounded the recall and they started pulling me up. I dove in similar circumstances but never in water cold fresh water and depth. After I was recovered they sent the second set down.

I did not have any concerns at the time. I wanted to make the dive. There were concerns but I wanted to make the dive. My concerns were that I had never been to 150 feet on SCUBA. Any concerns for a bounce dive at 150 feet in SCUBA? No. Rever or Harris express any reservations? NO.

Received alone from the divers. Looking at the tugs. 4 received from the divers to the tenders. 4 sent to acknowledge.

Knew the dive manual required CO/OIC approval for SCUBA dives greater than 130 feet. With CO/OIC approval could go to 190 feet. Dive Brief told job 150 for 5 come up at 4 minutes.

CWO (b) previously asked questions of the divers if they were willing to make that dive. He asked if they had dived that deep before. All of the divers had done work up dives in the dive chamber to 160 and we were all comfortable with that depth.

ND1 (b) (6)(b) (6) -(b) (6)

Assigned to MDSU 2 for 2.5 years. Was at Aberdeen Proving Ground. Knew Reyer and became friends, Knew Harris in passing. Tasked with first SCUBA dive which was an ATFP dive in 20 Feet of water.

(b) (6) complained that his regulator was free flowing. Accomplished the objective. Began setting up the chamber for the next dive. Deeper dives were planned for the day.

Understanding was that they were going to do an inspection dive with Mark 16s. Heard about the Mark 16s weren't operating. No contingency for Mark 16 dive if Mark 16s weren't utilized.

Conversation with Reyer when they both saw SCUBA being set up and both said to each other "150 for 5". Because of our qualifications we both knew the dangers of doing that. We knew we could be called about to make that dive. We knew that we had a choice and we could say no or yes. During training, we knew of a member who declined to make a Mark 16 pool dive and there was a backlash against that person.

Knew there wasn't enough air and we knew the water was cold. Based on the conditions of the dive, it was high risk for low reward.

Deepest he dove in SCUBA was 80-90 feet during an operation Expression "Train as we Fight" is a common expression used in his community. Doing work up dives in a chamber is not the same as diving deep in SCUBA or Mark 16.

Never brought concerns with anyone else

<u>ND3</u> (b) (6)

Assigned to MDSU TWO Det 3-2. Adopted JAGMAN statements as testimony.

On afternoon, 26 February was on the barge dressed out with his dive partner ND1 P(b) (6) s a continuation of the mission. He heard reports of erratic line pulls over the radio and the need for rescue divers. He and (b) (6) were already dressed out so they started getting the other dive gear:

knife, fins, and mask. Went out to the diversite and were told that the diver communication was lost, they were not responding and they could not be pulled up.

He and (b) (6) were to descend on the stricken divers tending line and b. He describes the conditions as zero visibility and extremely cold. He and his partner had trouble breathing while descending and ran out of their allotted bottom time and had to ascend. He had experienced hyperventilation. Not sure of the cause. He did not experience free-flow or any other equipment issues

He believes he reached about 120 feet and ND1's depth was about 115.

NDCS (b) (6)

Given 31(b) Warnings: waived

At command for 2.5 years. Diver for 15 years. Dive school in 1998. Was the Readiness and Training Master Diver. He makes sure company training is available and helps line up training opportunities for the teams.

FEP is the Final Evaluation Process. Units go through an 8-12 month training cycle. Tests what they have learned through the training process.

Responsible for coordination of the FEP package. Training Officer and CO responsible for developing FEP package was a mirror of a prior FEP. CO wanted this package to get away from an EOD focused missions to Salvage focused missions.

Mark 16 scenario: Helo down in the pond, using Mark 16 to locate aircraft and mark it. Was there any part of the FEP package that required a deep scuba dive? No. Deep to him would be 190 feet because that is the maximum working limit for SCUBA. Normal working limit is 130 feet.

When could you go down to 190 feet? When it is considered an operational commitment or the CO/OIC gives the approval to do so. Operational Commitment would be an operation. FEP would not be an operational dive.

On 26th, there were discussions between MDSU TWO and facility personnel. Because of the earlier death, diving at the pond had been suspended. They went up to Aberdeen Test Facility and talked to b) (6) Talked to the CO who was unaware of the reasons the Det was at Aberdeen. Received permission to proceed with the FEP. Lost a day of diving by the time permission granted to dive.

Members of the MDSU Training team. Was to evaluate the FEP. 1(b) (6) member had a particular role.

AMU is lit of equipment available of use for Navy diving. Regulators APEX TX-50 no longer authorized for use in cold water.

In: February of 2013 what was your understanding of operational necessity. Anything operational,

First time witness sat as evaluator. Safety hazards briefed on previous death, fouling hazards. If he saw something would have stepped in. Never believed anything he saw required him to intervene. IO exhibit 8 aware of emails acknowledged change to SCUBA.

Once decision was made to use SCUBA, witness went down to the pond to ensure that they had proper dive equipment and that Almazon had made the correct calculations. At the time, he didn't have any safety concerns. At the time of the dive, the witness was on the shore, 300 yards from the dive station. He was noting the time of the dive. ND1 Almazon put (b) (6) in the water at approximately 5 minutes. Witness started making way to the dive barge. MDV (b) (6) was preparing two other divers to deploy. Watched from the dive barge, so as not to interfere with rescue effort.

in everything witness observed, MDV (b) (6) did everything that he should have been done.

(b) (6) put out he wanted his teams to dive deep.

Passing FEP: CO has ability to allow unit to deploy without FEP. Typically necessary to deploy. CWO

(b) (c) That wasn't unusual. Strange CWO (b) (6) was not on scene. Went to command two separate occasions to let command know that he was uncomfortable with not having CWO (b) (6) with the evaluators at the FEP.

Witness was comfortable with the "bounce" dive.

Knew objectives of FEP. Were there discussions among FEP evaluators that if CWO solutions and uncomfortable with a dive. Bounce dive was to verify location of the target. What would have happened if they didn't locate helo? They would have been graded accordingly. What expected to see? Dive Mark 16 and locate and mark the objective.

NDC (b) (b)

Provided 31(b) warnings: waived

Diver since 1998. MDSU TWO. On scene evaluator.

Sent warning order and FRAGO. Standard diving request for Help salvage. Tasked to use specific capability? No.

Helped create FEP package. Used prior FEP package and changed according to R and T changes. CWO informed witness that he was shifting to surface supplied air. Witness than asked by if he had thought about using SCUBA.

Scenario had been designed to drive the team to utilize Mark 16. The artificial obstacle and time constraints were used to push team to use Mark 16 vice surface supplied air.

Could have dived the obstacle with surface supplied, cut it in half, and remove it. Time constraints were created to push team to use Mark 16.

CO emphasizes to "train as you operate".

Before using CWO3 (b) asked witness if he had permission to use SCUBA. Witness directed that question to CWO3 (b) (6) Did have permission to make that dive. No member of N7 objected to the dive.

Did not have any safety concerns with the safety measures in place. Level 1 recompression chamber, abundance of extra diving equipment, tending line and buddy lines were being used, descent line, and controlled operating environment. Short dive down and back up.

On shore tending to administrative details. Preparing emails to CWO3 (b) (6) Other than not using SCUBA, were there any other measures that could have been implemented to increase safety. No.

Witness said to Warrant Officer (b) (6) "Have you thought about SCUBA?" to accomplish the FEP exercise. Should not have spoken because he was evaluator.

Towed device had been snagged in a previous FEP.

CWO (b) (6) was most knowledgeable for EEP. Witness was concerned that CWO (b) (6) was not present.

NDCM (b) (6)(b) (6)(b) (6)

Assigned to EODGRU TWO as Command Master Diver:

In the Navy for 21 years. 17 years as diver. Master Diver.

Subject Matter Expert for JAGMAN investigation. Interviewed witnesses and had input in preparing report.

Calculations of Dive Supervisor (11 minutes) were correct. Rates of descent is 75 feet per minute is maximum. Might go slower in cold water with limited visibility. Conclusion was that dive team descended at maximum rate. Maximum rate of ascent is 5 minutes for 150 feet.

Pond 39 degrees. Cold water no current. Visibility was less than one foot. Never saw dive with SCUBA in those conditions to 150 feet.

JAN 08- JAN 13: .5934 MDSU dives only 28 SCUBA Dives over 130 feet (31598 total dives). The 28 dives were made in 2008. Aircraft recovery in the Gulf of Mexico. Actual operation- not training.

JAGMAN found one minute was insufficient time to overcome unforeseen circumstances.

Steps needed if team briefed on mission, adequate air supply, and minimum equipment for SCUBA, briefed on safety measures. Workout dives were confirmed (recompression chamber).

Chief (b) made recommendation to use SCUBA. Once decision was made, no one on the surface was to blame. There were unforeseen circumstances that occurred that are inexplicable. Two theories: fouled hard on the bottom and issues with the regulator.

NAVSEA board determined that APEX TX-50 is no longer allowed for cold water dives.

Based on what he saw, CWO3 (b) and MDV (b (b) (6) RM utilized but there were deficiencies in the ORM. Brief conversation for asking for permission. Other options were available: clear obstruction or not make the dive. If not complete objective, wouldn't pass FEP. Would have to redo FEP.

Investigation concluded that the Dive Manual definition of operational necessity was vague.

NDC (b) (b) (6)

Given 31(b) Warnings: waived

Part of the dive team. Was the tender for Reyer and Harris. Line not marked. Divers go down. Loaded gear into the boat. Prepared the boat before underway. Doesn't know who prepared the line in the buckets. Had extra tanks: at least two if not three in addition to the tanks the divers had. Part of the discussion group on using SCUBA when Mark 16s went down. Doesn't recall who suggested.

Had to do something when Mark 16s went down. Had the means to do what they were qualified to do (SCUBA).

Previously team had trained to conduct dives (chamber dives) to reacclimatize personnel or acclimate personnel who had not experienced effects of nitrogen narcosis.

First Dive pair was (b) (6) and (b) (6) Witness had to stop the divers because the tending line became rat-nested.

Feed line into the water to give slack to the diver about two feet at a time. First pair resurfaced and witness took them back to the barge. Next pair was Reyher and Harris. They were supposed to hold the descent line when they descended.

Line pulls: Gave a one and received a weak one in response.

Weak line pulls could be caused by the amount of line in the water.

Almazon told him to give them a four and received what he assumed was four. Not a clear crisp four. Lot of resistance like they got fouled in the descend line or the fiber optic cables. The more he pulled the more resistance he encountered. Made him nervous because if they were fouled, he didn't want to make it worse by pulling.

At the time, he thought maybe they were swimming down to free themselves. Started to feed them more line 10 to 15 feet. Almazan said don't pay out any more line. Doesn't recall how much line he paid out after that direction.

Tended standby diver line. When he came up he noticed that his first stage was frozen and his second stage was free flowing.

Called back for fresh set of divers. Why not pull them up? Not according to protocol. Eventually did pull them up.

Only received erratic line pulls. Repetitive jerking. Told ND1 Almazon, "I don't what they just gave me." In reference to the line pulls.

CDR (b) (6)(b) (6)

Given 31(b) Warnings: asserted.

Sworn statements offered as witness deemed unavailable.

Mr. (b) (6)

Little Britain, Pennsylvania.

Test Officer and Diving Officer for Aberdeen Proving Ground

Oversees Dive Operation.

Diver since 1984. Over 3700 logged dives. Deep Tech Certified Diver.

Coordinated Navy dive on 26 February. During the dive, his role was only as an observer. He was responsible to have a clear range and get permission to allow diving operations to begin. Gave safety brief not at the pond but prior at the trailer, a brief was given regarding potential debris, such as very thin-fiber-optic cable (like fishing line). It was laying straight along the bottom and could entangle divers fins. Additional debris was also possible. Based on concern for the fiber optic cable, dive team was provided additional cutting instruments.

Very little understanding of the mission beforehand. Located near the Zodiac used to initiate the dive. For first dive, saw the tender line had become entangled and the dive was aborted.

Nothing unusual for second dive (Reyer and Harris). Had trouble connecting to a line. Told to hook up at the bottom. Army divers don't use tending lines.

(b) (6) slight bit of ice on regulator and noticed bit of free flow.

Dove this pond more than 300 times and dives to 150 feet once a quarter. Standard Scuba used. Army uses radio communication. Bottom of the pond has silt and is dark. Need a flashlight to see. Divers would sink down about 12-18 inches if they stepped on the bottom.

He has been diving the pond for 20 years. Did see any evidence that diversignt fouled? No indication that they got fouled.

Observed bubbles immediately upon diving. Bubbles were in close proximity to each other. Bubbles were not continuous.

At about 12-14 minutes he observed a high rate of bubbles which was due to either low cylinder air or free flow. Low air would cause divers to breathe more quickly. 35 to 40 seconds later the bubbles ceased.

An investigation into the prior death has not been concluded. Even so, MDSU 2 was permitted to dive the site.

<u>ivir.</u>(b) (6)(b) (6)

Panama City Florida

NEDU is an organization belonging to NAVSEA that exist to test dive equipment and other divers throughout the world.

He has 8 years experience. 20 death investigations. Exhibit 32 is the report he prepared. Reviewed SCUBA equipment for the MDSU divers.

Received equipment on 28 February. 3 pelican cases had scuba equipment in each one. The equipment received had been used. Didn't appear to be damaged. One set of equipment was pretty well covered in mud which was assumed to come off the bottom of the pond.

No abnormal results for gas tests from the samples taken from the SCUBA tanks.

Only manufacture specifications: the ability of the first stage regulators had the ability to provide and hold under intermediate pressure. 2 did that, one did not. This was the regulator that had been free flowing. Would not have been detected by casual visual inspection. Wouldn't be obvious.

Tests were done at 150 feet and 38 degrees. Possible for those regulators to free flow based on tests conducted in 2004.

Performed 62 dives for free-flow. Table 3 of the enclosure.

No unusual findings for the regulator's when taken apart.

Equipment sent back to the unit after completion of the testing.

Warnings on repair manual for regulators warn that TX50 should be used in water colder than 45 degrees because of the danger of free-flow.

Maintenance logs reviewed and all regulators within required PMS periodicity.

Not surprised that the regulators were approved on the AMU list down to 29 degrees based on the warning because NAVSEA directs tests and NEDU is not inhibited by manufacturer warnings.

ND1 (b) (6)(b) (6)

Assigned to MDSU TWO

Did not have a lot of specific information that he recalled regarding the event.

He saw 4 sent on the tending line, he did not see 4 returned nor does he recall someone saying they had received 4. Knew bubbles had ceased before the 3rd team arrived to assist.

If he had seen something dangerous he was have said something.

<u>cwa(b) (6) (b) (6)</u>

Given 31(b) Warnings: asserted.

Conclusion

After reviewing the testimony presented at the hearing and all of the exhibits, I do not recommend that the charges in this case be referred to courts-martial for either NDCS (b) (6) or CWO3 (b) (6)

With hindsight, it is clear that the dive using SCUBA on 26 February 2013 that claimed the life of ND1 James Reyher and ND2 Ryan Harris should not have been undertaken. The pond was cold, dark, had limited visibility even with flashlights, and had potential fouling hazards at the bottom. The dive to 150 feet with SCUBA exceeded the normal working limits of 130 feet. Most of the participants had never dived beyond 130 feet with SCUBA. According to the Safety Center data compiled for the JAGMAN investigation in this case, over the last 5 years no training dives with SCUBA were undertaken in excess of 130 feet. The plan to use a "bounce dive" to verify the helicopter location did not allow the divers sufficient air or time in the event of unforeseen problems.

However, NDCS (b) (6) and CWO3 (b) add not have benefit of hindsight and obviously did not believe that the dive would claim the lives of two Navy divers. It is necessary to examine the circumstances faced by and the information available to the accused at the time of the accident:

The Final Evaluation Phase (FEP) problems for MDSU 2 Det 2-3 had been designed using a previous FEP at the same location. Although there was testimony that the Commanding Officer could permit the detachment to deploy if they did not pass FEP, most of the witnesses believed that passing FEP was required prior to deployment. Diving on 26 February was supposed to begin early that morning, but diving operations were delayed until permission of the Aberdeen Proving Ground Commander had been obtained. This put the FEP behind schedule. I believe this placed some pressure on the participants to complete all of the required tasks.

The MDSU TWO Readiness and Training team was present at the pond NDCS (b) (6) NDC (b) and ND1 (b) and were to act as evaluators for the FEP. Notably absent, according to witnesses, was CWO3 (b) (6) the OiC of the Readiness and Training Team. He remained in Virginia while the R and T team

travelled to Aberdeen. He was available by phone and was contacted by CWO3 stop on at least one occasion. It does not appear as there were any communication issues.

The site had a Level I Recompression chamber and personnel were trained to operate the chamber. There were trained medical personnel at the pond and EMS was available to the site.

Witnesses stated that CDR (b) (6) Commanding Officer of MDSU TWO, wanted divers to be more aggressive and "dive deep" using SCUBA and also wanted members to "train like we fight" or words to that effect. This "train like we fight" philosophy helped blur the line between "operational necessity" and training events like FEP. It is clear to me that the members of MDSU 2-3 and members of the R and T team believed that the FEP objectives were not training but were much more important--something akin to an operational mission.

The portion of FEP that involved the helicopter carcass at the bottom of the pond was designed to drive the team to use Mark-16s and not use Surface Supplied Air. When 2 of 4 Mark-16s were determined to be "down", the options that would be available were: remote operated vehicle (towed), surface supplied air, and SCUBA.

Because of previous fouling problems experienced by another detachment at the same location, the towed remotely operated vehicle was not available. The barge bearing the surface supplied air was blocked by an artificial obstruction that would require diving, cutting up the obstruction, and bringing the obstruction to the surface. Why not accomplish this task then use surface supplied air to dive the helo?

The FEP problem was designed to discourage the use of surface supplied air in favor of the Mark-16s. Once the Mark-16 were not available, the obstacle to use the surface supplied air remained in place and deterred CWO3 (b) from simply removing the artificial obstacle that blocked the barge bearing the surface supplied air equipment. In his statement (Exhibit 11) CWO3 (b) stated that he was informed by Chief (b) the risked failure of the helo objective if he shifted to removing the obstruction blocking the barge.

CWO3 (b) had earlier discarded a recommendation from ND1 Almazon to use SCUBA to conduct a survey of the help because of the very limited time SCUBA could be conducted. Chief (b) (6) comment that "You would be surprised with what you can find with SCUBA" or words to that effect further encouraged the use of SCUBA for a "bounce dive".

Once the decision had been made to use SCUBA for a bounce dive, a decision that was encouraged by a member of the R and T team, CWO3 perroneously believed that he then needed the approval of the Commanding Officer before undertaking the SCUBA dive. The Navy Dive Manual required Gommanding Officer or Officer in Charge approval and operational necessity for SCUBA dives below 130 feet. It can be argued that CWO3 be should have known that both elements were required to make such a dive or that he should have known that such a dive would not be permissible in a training evolution. What is clear from the evidence is that no witness present at the dive site understood that SCUBA dives deeper than 130 feet could be undertaken only in cases of "operational necessity". Even

the OIC of the R and T team, CWO3 (b) (6) id not understand this requirement. When he talked about the dive with CWO3 (b) (6) he never questioned why CWO3 (b) had considered a diverbelow normal working limits for an exercise. No one from the R and T team (including CWO3 (b) (6) who were aware of depth of the target raised any objection to the use of SCUBA. This lack of understanding of "operational necessity" revealed by this incident triggered a change to the Navy Dive Manual language describing "operational necessity".

In undertaking the use of SCUBA for the Helo FEP problem, CWO3 (b) (6) took steps that would mitigate the risks taken by using SCUBA.

Divers were provided wire snips because of the potential fouling hazards based on the safety brief they received by personnel at the Aberdeen proving ground. Divers utilized the appropriate minimal gear for SCUBA. In addition to GWO3 (b) and NDCS (b) (6) there were numerous highly trained personnel in close proximity to the event including several Master Divers. In addition, Aberdeen Proving Ground personnel were also present to observe the day's events including Mr. (b) (6) a very experienced diver who had dived this pond over 300 times with SCUBA.

A descending line or clump was being used to help orient divers to the bottom of the pond. The traditional Navy tending lines and buddy lines were used in accordance with standard procedures. A standby diver was used (ND3 (b) (6) and additional divers were in close proximity to the dive site on the barge. Extra SCUBA tanks were available for use. Prior to the dive and in preparation for the FEP, work up chamber dives had up to 160 feet had been conducted. A level 1 recompression chamber was located at the dive site. Medical personnel were available on the barge and EMS could access the site.

Additionally, CWO3 (b) or other members of his team did not appear to have had a cavaller attitude about the dive. CWO3 (b) asked several divers whether they were comfortable making the dive to 150 feet using SCUBA. CWO3 (b) also contacted CWO3 (b) (6) to ask for permission to conduct the dive. In that conversation, he was lead to believe that he had authority to proceed with the dive and that the Command approved of his course of action.

Once diving operations had commenced, the Diving Supervisor, the line tender, and other personnel were clearly focused on the dive. It appears from the testimony that once ND1 Almazan and the line tender determined that Reyer and Harris had encountered some difficulty, they took immediate measures to affect a rescue. The evidence suggests that although ultimately ineffective, there were no rescue efforts or procedures that should have been undertaken that were not.

After thoroughly reviewing the evidence, I have concluded that there is no evidence that either CWO3 or NDCS (6) committed Article 119: Manslaughter. Specifically, I did not find that either of the accused killed divers Reyer and Harris through culpable negligence. Neither CWO3 (b) nor NDCS (b) (6) committed an act or omission "when viewed in the light of human experience, might forseeably result in the death of another."

Furthermore, I did not find evidence that supports the charge of Article 134: Negligent Homicide. I did not find that that decision alone to use SCUBA beyond the normal working limits to be sufficient to

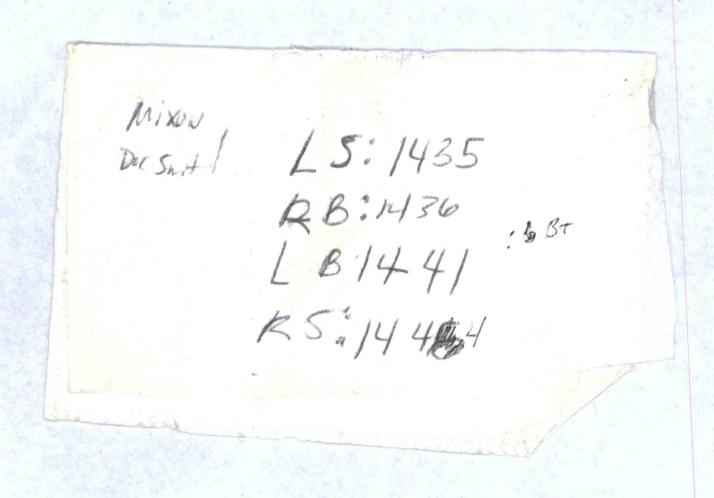
establish that the deaths of Reyer and Harris were caused by this decision. The government did not provide evidence to establish specifically how the divers were killed. What happened below the surface to divers Reyer and Harris may never be known and without establishing the proximate cause of their deaths, guilt by negligent homicide cannot be established.

With respect to Article 92: Dereliction of Duty.

After reviewing all of the evidence, I find there is no evidence to support the charge of Dereliction of Duty with regard to NDCS (MDV) (b) (6)

With respect to CWO3 (b) (6) do not believe that the evidence supports a claim that he was derelict in the performance of his duties. I do not believe the evidence has established that CWO3 (b) "knew or should have known" of the requirement for an operational mission (i.e. "operational necessity"); it appears that no one at MDSU understood that requirement. It would be unfair to find that CWO3 (b) is culpable for not understanding this requirement when the evidence suggests that other personnel, including more senior personnel did not conduct sufficient training, did not emphasize the requirement for "operational necessity" in deep SCUBA dives, or were not aware of that requirement themselves.

Once again, in hindsight the dive using SCUBA on 26 February 2013 should not have been undertaken. CWO3 (b) (6) s approval of the dive with SCUBA was an error in judgment. The error in judgment should not subject him to criminal jeopardy.



TITLE: V/REYHER, JAMES EUGENE/PO2 USN CCN: 27FEB13-DCAN-0008-7HNA

DESCRIPTION: Handwritten notes on a napkin/Undated

26FRB13

1435 C	CHAMBER LS HM' (b) (6) AND NO (b) (6)	DE TRNOZES
	PT NO'REYHER AND NO 2 HABBIS. NO	b PULSE AND
	NO BERATHS EITHER PATIENT. CONT	INGING CAR.
1436 RE	RB NASAL TEUMPIETS INSKLITED BOIN PATE	ENTS BY
	14m' (b) (6) . Pr ASSESSED NO PULSIE	ANON6
	BREATHS EITHER PT. CPZ CONTIN	aing.
	NO2 (b) (6) REMOVES NO' REFIHER	400.
	DEP 174 60	
1441 LB	B WITH HM! (b) (6) AND BUTH PT'S AND	No 2 (b) (6)
	CAR CONTINUED. ACLS ARRIVED ON S	74770~
	(:OG BT)	
1444 RS	S BOTH Pr's STILL NO PULSE AND NO BR	1247745.
	CPR CONTINUES. Hm' (b) (6) AND NO	2 <mark>(b) (6)</mark>
	OK. (:03 ASCENT)	

OZGINST.1A: DO A CHECK, REPORD THE GEAR, SIGN THE BOX

Predive

MIP	Periodicity	Description	Equipment #'s	Signature
921/002-29	.R-1	Inspect Buoyancy Componsator	17 112,15	(b) (6)(b) (6)(b) (6) (c) (c) (d) (d) (d) (d) (d) (d) (d) (d) (d) (d
592:1/019-30	R-7	Inspect Regulator and Gage.	#15 10	(b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)
5921/169-A6	R-1	Inspect and Test Divers Recall	# 13	(b) (6)(b) (6)(b) (6) pol RG-14-64 John lily Cr
	я в			
5921/169-A6	R-3.	Test Operate and inspect Amplifier and Reproducer	#8	Jon Wegler

Bottlet (#6, #2, #8, #2

Postdive

rostarve	<u>* * *</u>			
MIP	Periodicity	<u>Description</u>	Equipment #'s	Signature
5921/002-29	R-2	Clean Bujovancy Compensator		
)21/019-30	, R-2.	Clean and Disinfect SCUBA Breathing Apparatus	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
5921/019-30	R-6	Rinse Scuba Regulator and Air Cylinder Assembly		
5921/019-30	R-9	Inspect Aluminum/Steel Cylinders For Leaks During Charging		
5921/169-A6	R-2	Clean and Inspect Divers Recall		
6521/R43-70	S-R1;	Clean/Inspect Stretcher		
5921/172-10	R-3	Clean and Disinfect Face Mask	B)	

MOBDIVSALUTWOINST 3150.27G

APPENDIX B

SCUBA/MK-20 MOD 0 SUPERVISOR'S PRE/POST-DIVE CHECKLISTS

CAUTION: 60 FSW MAX DEPTH WHEN STAND-BY DIVER EQUIPPED WITH A SINGLE CYLINDER LESS THAN 100 STANDARD CUBIC FEET. MK-20 MOD 0 WITH SCUBA USING (ANU) APPROVED REGULATOR.

	RED	GREEN	SDBY
1. Minimum equipment required: mask, fins, life jacket, knife, weight belt, watch, depth gauge		ı	
2. Verify cylinders gauges. (1800 PST MINIMUM)		<u> </u>	
3. Quick releases rigged properly?			
4. Connect power inflater and test; test relief valves.	٠,٠		
5. Weight belt outside of all straps and equipment? 6. Knife positioned so it can be lost?			
7. Cylinder valve open fully and back off 1/4 of a turn?			
8. Breath divers regulator/activate positive pressure and standby occupous for :30.			
.9. Ensure reserve valves are up and work freely.			
10. Tending lines rigged properly?/ Test recall devices.	3		
11. Final brief and review?			
12. CODE ALPHA displayed, chase boat (if needed) full crew on board?			
13 In water checks (leak checks, purge, quick release, reserve)			
	· •		

Diving Supervisor Print	Diving Supervisor Signature	Date
profile substance Erine	priving substitution pranticution	

MOBDIVSALUTWOINST 3150.27G

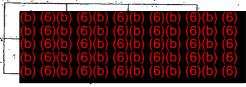
MK-20 MOD. 0:

- 1) Ensure that pre-mission inspection checks have been completed.
- 2) Remove microphone, lubricate O-ring on cover plate and install.
- 3) Lubricate O-ring on ESDS LP hose and install in lst stage regulator.
- 4) Connect LP hose to MK-20 hat hand tight.

LIFE PRESERVER (ZEAGLE BC 592/002 R-2):

- 1) Orally inflate, check for leaks.
- 2) Inspect straps, buckles, lanyards, and fabric.

			1.
RED	GREEN	SDBY	MORPHY
V/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
P/A	N/A	N/A	V/A
N/A	N/A	u/A	M/h
		1,"	J



PERSONNEL GEAR:

Inspect and inventory the following for each diver as applicable: FINS, MASK, DEPTH GAUGE, WATCH, KNIFE, WEIGHT BELT, AND THERMAL PROTECTIVE CLOTHING.

Replace or repair missing or damaged equipment as necessary.

SIGNATURE Red (b) (6)(b) (6)

(b) (6)(b) (6)(b) (6)(b) (6) Greer(b) (6)(b) (6)(b) (6)(b) (6) andby ND > (b) (6)

(b) (6) - (b) (b) (c)

DIVING SUPERVISOR CONDUCT PRE-EVOLUTION BRIEF (INITIAL

979

MD,7 (p) (e)

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Dive Supervisor Print

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SCUBA PRE-DIVE SHEET

Note: If MK-20 Mod 0 is deployed, remove 2nd stage regulator and LP hose prior to the start of the checklist. prior to the start of the checklist

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AIR CYLINDERS (5921/019 R-9):

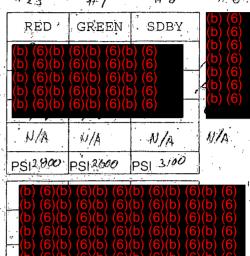
- 1) Inspect for rust, cracks, and dents.
- 2) Check for loose or bent valves.
- 3) Inspect O-ring, *.
- 4) Reserve in the up position and works freely.
- 5) Gauge cylinders. Charge if below 1800 psig.

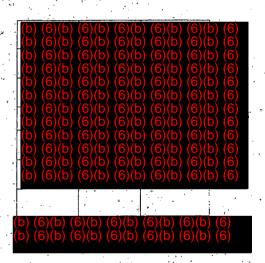
HARNESS & BACKPACK (ZEAGLE BC 5921/002 R-2):

- 1) Check for rot or excessive wear.
- 2) Check backpack for cracks.
- 3) Adjust straps and install quick releases.

REGULATOR (5921/019 R-7):

- 1) Check hoses for cracks and punctures.
- 2) Check hose connections for tightness.
- 3) Check hose fittings for damage and corresion.
- 4) Attach to manifold.
- 5) Open valve and back 1/4 turn.
- 6) Set over bottom to min 135 psig or IAW manufacturer's recommendation.
- 7) Check for leaks.
- 8) Press purge button, check for free flow.





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SCUBA POST-DIVE SHEET

AIR CYLINDERS (5921/019 R-6):

- 1) Rinse with fresh water.
- 2) Reserve down if below 1800 psig.
- 3) Inspect for damage; valves, or ring, straps.
- 4) Install dust cap.

REGULATOR (5921/019 R-6)

- 1) Install dust cap & rinse with fresh water.
- 2) Scrub 2nd stage and octopus regulators in disinfectant.
- 3) Inspect all hoses & fittings for damage & salt corrosion.

LIFE PRESERVER (ZEAGLE BC 5921/002 R-3)

- 1) Rinse inside & out with fresh water.
- 2) Rinse actuator, inspect for damage & apply corrosive preventative compound.
- 3) Inspect buckles, straps, fittings, and fabric
- 4) Orally inflate and hang to dry.

PERSONNEL GEAR:

- 1) Rinse all gear with fresh water
- 2) Inspect all gear for wear, damage, and corrosion.
- (3) Clean and inspect depth gauge.
- 4) Inventory and store all SCUBA equipment.

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MK-20 MOD 0 HAT: 1) Wash exterior of face mask and second stage with fresh water.

- 2) Disconnect second stage reg.
 from mask.
- 3) Disinfect oral masal and interior of mask
- 4) Remove ESDS LP hose from first stage, install SCUBA LP hoses
- , 5) Remove cover plate, install mic.
 - 6) Allow all components to dry completely then stow.

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CO26INST.1A: DO A CHECK, RECORD THE GEAR, SIGN THE BOX.

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MIP	Periodicity	<u>Description</u>	Equipment #'s	Signature
5921/002-29	R-1	Inspect Buoyancy Compensator	6,2.1,0	(b) (6)(b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(
5921/019-30	R-7	Inspect Regulator and Gage Hoses	1,3,8,12	(b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)(b) (6)
5921/169-A6	R-I	Inspect and Test Divers Recall	4	(b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)(b) (6)
5921/169-A6	R-3	Test Operate and inspect Amplifier and Reproducer	4	(b) (6)(b) (6)(b) (6)(b) (6) (b) (6)(b) (6)(b) (6)(b) (6)

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MIP	Periodicity	Description	Equipment #'s	Signature
5921/002-29	R-2	Clean Buoyancy Compensator		
5921/019-30	. R-2	Clean and Disinfect SCUBA Breathing Apparatus	3	
5921/019-30	R-6	Rinse Scuba Regulator and Air Cylinder Assembly		
59217019-30	R-9	Inspect Aluminum/Sicel Cylinders For Leaks During Charging	*	
5921/169-A6	R-2	Clean and Inspect Divers Recall		
6521/R43-70	S-R-I	Clean/Inspect Stretcher		
5921/172-10	, R-3	Clean and Disinfect Face Mask		

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SCUBA PRE-DIVE SHEET

Note: If MK-20 Mod 0 is deployed, remove 2nd stage regulator and LP hose prior to the start of the checklist:

AIR CYLINDERS (5921/019 R-9):

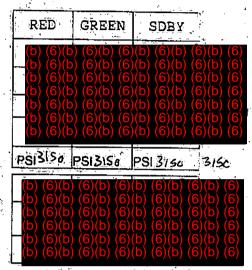
- 1) Inspect for rust, cracks, and dents.
- 2) Check for loose or bent valves.
- 3) Inspect O-ring.
- 4) Reserve in the up position and works freely.
- 5) Gauge cylinders. Charge if below 1800 psig.

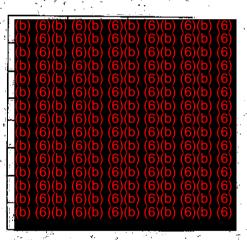
HARNESS & BACKPACK (ZEAGLE BC 5921/002 R-2):

- 1) Check for rot or excessive wear.
- 2) Check backpack for cracks.
- 3) Adjust straps and install quick releases.

REGULATOR (5921/019 R-7):

- 1) Check hoses for cracks and punctures.
- 2) Check hose connections for tightness.
- 3) Check hose fittings for damage and corrosion.
- 4) Attach to manifold.
- 5) Open valve and back 1/4 turn.
- 6) Set over bottom to min 135 psig or TAW manufacturer's recommendation
- 7) Check for leaks.
- 8) Press purge button, check for free flow.





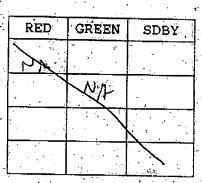
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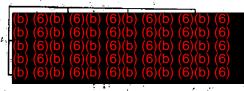
MK-20 MOD 0:

- 1) Ensure that pre-mission inspection checks have been completed.
- 2) Remove microphone, lubricate 0-ring on cover place and install.
- 3) Lubricate O-ring on ESDS LP hose and install in 1st stage regulator.
- 4) Connect LP hose to MK-20 hat hand tight.

LIFE PRESERVER (ZEAGLE BC 592/002 R-2):

- 1) Orally inflate, check for leaks.
- 2) Inspect straps; buckles, lanyards, and fabric.





PERSONNEL GEAR:

Inspect and inventory the following for each diver as applicable: FINS, MASK, DEPTH GAUGE, WATCH, KNIFE, WEIGHT BELT, AND THERMAL PROTECTIVE CLOTHING. Replace or repair missing or damaged equipment as necessary.

SIGNATURE Red

DIVING SUPERVISOR CONDUCT PRE-EVOLUTION BRIEF (INITIAL

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NO 4 CUMBER

Dive Supervisor Print

Signature/Date